S. 386

At the request of Mr. HAGEL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 386, a bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

S. 397

At the request of Mr. ALLEN, his name was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

At the request of Mr. CRAIG, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 397, supra.

S. 406

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 406, a bill to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S.J. RES. 4

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S.J. Res. 4, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. SALAZAR), the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. OBAMA), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 44

At the request of Mr. ALEXANDER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 44, a resolution celebrating Black History Month.

S. RES. 56

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 56, a resolution designating the month of March as Deep-Vein Thrombosis Awareness Month, in memory of journalist David Bloom.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself and Mr. BOND):

S. 414. A bill to amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Voter Protection Act of 2005, and I am pleased to be joined again by my good friend from Missouri, Senator BOND. I also acknowledge the deep interest and expertise of the occupant of the chair in this important subject of how we have increasingly honest elections in our country.

In the wake of the 2000 election, as chairman of the Rules and Administration Committee, and then its ranking member, Senators BOND, DODD, and I worked together to address the problems brought to light in the 2000 elections. In January of 2001, I introduced the first of what would become several election reform bills. Nearly 2 years later, all the hard work and long hours paid off with the President of the United States signing the Help America Vote Act of 2002, commonly referred to as HAVA.

This legislation passed with near unanimous support in both Chambers. HAVA set forth several minimum standards for States to meet and was coupled with a new Election Assistance Commission to provide advice and distribute $3 billion to date. The goal was and is to make it easier to vote and harder to cheat.

The 2004 elections were the first conducted under HAVA. There are reports of many successes attributable to HAVA, including a new Cal-Tech/MIT study, which found a decrease in the residual vote rate, or ballots that did not record a vote for President. Further, there were new requirements for identification while registering or, at the polls, new voting technology, statewide databases, and a broad Federal requirement for the casting of provisional ballots.

HAVA was a tremendous success, but all of the cosponsors were careful to avoid a complete Federal takeover of elections. As was stated by prominent election expert Doug Lewis, after conducting elections for over 200 years, State and local officials didn't become stupid in just one election. Throughout the bill, we remained respectful of the States rights and left methods of implementation to the discretion of States.

Today, we bring before this body a new piece of legislation which builds upon the successes of HAVA and clarifies some of the misinterpretations that occurred in the last election. This bill provides State and local officials more tools to ensure every eligible voter casts their vote, but make sure it is counted only once.

First, the most important part of this election process is an accurate and secure registration list. This legislation clarifies several provisions related to ensuring that those who register are legally entitled to do so, do so only once, and in only one State. Further, we address the problem brought about by voter registration drives which dumped impossible numbers of new registrations on the last day of registration. The bill ensures that only real-life, eligible Mary Poppins registers to vote.

Second, the process of actually casting a ballot is sacred to all Americans. The legislation will ensure accurate poll lists and photo identification at the polls, and will reaffirm HAVA's goal of permitting State law to govern counting provisional ballots.

Further, for absentee ballots, having them returned by election day and requiring authentication of their request is critical. Thus, if a real, eligible, registered Mary Poppins goes to the polls, she can show identification and vote—but just once.

Third, grant money will be available to pay for photo identification for those who don't have one or cannot afford one. The Election Assistance Commission will conduct a pilot program for the use of indelible ink at the polls, reminiscent of the Iraqi elections on January 30. We were all moved by the picture we saw from the Iraqi elections of voters proudly showing their ink-sustained fingers. Aside from being an act of national pride, it was also an act to ensure that all those who voted did so only once.

Lastly, the 2004 elections saw new tactics which must be addressed by new criminal penalties for buying and conspiring to buy voter registrations. Further, the destruction or damaging of property with intent to impede voting is something that must be prosecuted.

Again, I am proud to have been the Senate Republican sponsor of the Help America Vote Act of 2002 and believe it has and will continue to improve the conduct of elections in this country. But much more needs to be done. The Voter Protection Act of 2005 builds upon that important piece of legislation to combat voter fraud and ensure the integrity of the entire election process.

I know Senator BOND, a cosponsor, is on the way to the floor. I commend him for his important contribution to HAVA. I repeat my earlier comments about the occupant of the chair and his expertise and interest in this issue. We look forward to working with both of them to advance a piece of legislation for America that would make it easier to vote and harder to cheat.

I yield the floor.

Mr. BOND. Mr. President, I rise today to join with my colleague Senator MCCONNELL in introducing the

Voter Protection Act of 2005. This legislation builds upon the progress made by the Help America Vote Act toward our goal of making it easier to vote and harder to cheat, while addressing some additional issues that came to light during the previous election.

This legislation will clarify the intent of our previous bill and try to alleviate some of the administrative burdens and misguided policies placed on dedicated, hard-working election workers by previous congressional intrusions into the State functioning of running elections.

Make no mistake about it, record numbers of Americans went to the polls in 2004. The overwhelming number of Americans were greeted by informed, dedicated, and properly trained election workers and were able to cast their ballot in a timely manner and in a secure environment. In Missouri, my home State, the elections were extremely well run. Large numbers of voters were accommodated at the polls in a timely fashion, and very few questions have been raised about administration or integrity.

I believe our recent enactment of HAVA, the Help American Vote Act, helped make it easier for States and localities to administer their elections.

I might add that once again Missouri voters voted on punch cards. Contrary to the bogeyman of hanging chads and other problems we heard about in the past, punch cards have served the voters of Missouri well, proving that trained poll workers, coupled with informed voters, can participate in clean and fair elections using punchcard voting machines.

I live in Audrain County, MO, which is a rural county with a wide diversity. It is very average and representative, although I think it is an outstanding county. I asked the county clerk: How many problems have you had with these punchcard voters? We have the whole range of voters, a very wide diversity. She told me in her memory and the memory of those in the county clerk's office, they had never had a single problem with hanging chads or punchcard machines.

Some people are saying the Help America Vote Act required getting rid of punchcard machines. It did not do that. Let's be clear, that is not required by the Help America Vote Act.

The smoothness leading up to the elections in Missouri was not the case everywhere. I continue to have concerns about the registration process and voter registration lists. Election officials are still laboring under an unnecessarily burdensome system heaped upon them by the motor voter bill. Motor voter required States to accept anonymous mail registration cards without supporting documents and voter registration cards from election drives. Motor voter prohibited authentication of registrations, making it extremely difficult for names to be removed from voter rolls, such as Mickey Mouse, the deceased, or those who had left the State years before. That is why to many of us, motor voter had become auto-fraudo, and we took steps in the Help America Vote Act to change that.

The evidence is still overwhelming that this poor policy continues to result in tremendous administrative burdens on our election officials, with registration lists being bloated and inaccurate but limited recourse for election officials to address the situation. All this makes it more difficult to run clean, fair, and accurate elections.

The Help America Vote Act required minimum identification for first-time voters who take advantage of the mail-in voter registration procedures. While the law is clear, some States chose to find ways around this reasonable requirement. This bill makes it clear that voters who do not register before a government official in person will have to provide the ID requirement. We heard reports of partisan election workers who brought in bundles of voter registration cards, and when they told the governmental election officials they had seen the voter ID, those cards were accepted. Anybody who would accept that ought to be buying the 14th Street bridge. To say somebody who is not a government official and is partisan is going to fulfill the governmental requirements is a stretch too far.

Furthermore, in some Federal elections, I think it is past time to go to a full ID provision. So this legislation requires voters in Federal elections to present identification at the polls while creating a program to ensure that all voters have access to an ID if they cannot afford one.

We now ask our citizens to provide a photo ID for so many tasks of everyday life. To provide it once more for election officials on election day seems a small request in order to help ensure our elections are fair and accurate.

If a person does not have a photo ID and cannot afford to procure one, our bill provides the requirement and the resources to ensure that one is provided.

Let's make sure every legal vote gets counted, and only the legal votes and only one vote per person, only one vote per human. No dogs, please.

The practice of dropping off registration cards in bulk at the registration deadline continues. It is proving to be a huge burden on election officials. The practice of submitting cards for fictitious people, deceased, and ineligible voters is alive and well, so to speak.

Also, a troubling practice by some voter registration groups has come to light—registrations not being delivered to the election authorities. Whether intentional, through oversight or neglect, this is simply unacceptable. Would-be voters place their faith in those conducting registration drives, and the States accept the registration drives will be conducted on the level. Sloppy practices can only result in people being denied the right to vote. So there must be oversight.

This legislation will bring some accountability to voter registration drives while relieving some of the burdens on election authorities by mass dumping of registrations.

I call on our law enforcement officials, the Department of Justice, and our U.S. attorneys to review the process and look at those areas where fraud has been suggested to find out if it is prosecutable, if Federal criminal procedure is required and warranted. I can tell you that we will pass all the laws in the world, but until we see some voter fraud proponents going to jail, spending time in the cells, we are not going to have the effect this bill and our previous bill anticipated.

We need to clean up the registration process by permitting States to use Social Security numbers. I think this bill brings some sense to voter rules by clarifying the provision in motor voter for name removal. The bill also includes a provision for dealing in a reasonable manner with registration cards that are incomplete.

We found in the past, if you did not specifically indicate you were a U.S. citizen, the courts refused to prosecute those knowing they were not eligible to vote because they were not citizens; they could not be prosecuted. Now there is a specific requirement that you indicate you are a U.S. citizen, eligible to vote. If you do not do that, the card should not be accepted, and if you falsely certify you are a U.S. citizen, you ought to be prosecuted.

As we expressed throughout the debates on Help America Vote Act, minimum standard requirements for elections are to be implemented by the State. On provisional voting, the language is explicit. Questions on the implementation of provisional balloting are for State legislators and election officials to decide. But as is too often the case in this country, what cannot be achieved through legislation will be pursued in the courtroom. Some 65 lawsuits were pursued to overturn decisions to preserve the precinct system used at the State level. This was a conscious effort to screw up the elections. Fortunately, the courts got it right. They overruled them 65 times. But there will be more litigation. Therefore, this legislation clarifies further the clear language of HAVA that the decision on the precinct system and decision on the proper polling place for voters is a State question.

The goal of the lawsuits, as I said, seemed to introduce complete chaos which would have ensued were voters allowed simply to vote anywhere they wanted. Additionally, those voters would not have been able to vote in local elections and balloting initiatives. The purpose of the suits did not make sense, but they were filed anyhow. The arguments for throwing out State law made less sense. It is simply the height of illogic to argue on one hand that States should permissively allow voters to cast ballots from anywhere in the State they chose, only to

complain later that the number of election machines at a polling place was inadequate.

Many people lodging this complaint also complained it rained on election day. Sorry, we cannot change that by law. So their concerns must be evaluated accordingly. Among other things, the precinct system allows election officials to plan for election day, assign voters to voting places in manageable numbers, and dispatch the proper level of resources.

Once again, after election day, the newspapers were filled with stories pointing out irregularities on election day. The election day problems have grown out of bloated and inaccurate voting lists and sloppy registration procedures. The stories clearly establish that sloppy laws, poor lists, and chaos at the polls invite efforts to cheat on election day. That is unacceptable to voters and to candidates and people who depend upon a free, fair system of democracy. If a voter has his or her vote canceled by a vote that should never have been cast, whether cast by fraud or ineligible voter, he or she has lost the civil right to be heard and to have the vote counted. It is a disenfranchisement of the voter. It also is a grave offense to the candidates who spend countless amounts of their time and their supporters' resources on elections.

Our goal should be elections that are free of suspicion, doubt, and cynicism about the results. There are steps that remain to be taken to ensure that elections are conducted in a sound and secure manner so that the integrity of the ballot box remains beyond doubt. These simple steps will begin to clean up the mess created in the registration process, while taking away the remains of enticements to game the system.

I look forward to the debate on the floor about these reasonable measures. I commend our deputy majority leader for his work on this effort, and look forward to discussing this and pursuing it with our colleagues.

Mr. President, I yield the floor.

Mr. MCCONNELL. Mr. President, if I can very briefly say to my good friend and colleague from Missouri, it is a pleasure to team up with him once again in our pursuit of better elections in this country and to report to him on the prosecution front there actually was a conviction. I know the occupant of the Chair is interested in this as well. There actually was a conviction in my State for vote fraud—two of them—over the last 6 months. We will see whether that has an impact on habits of many decades that exist in my State and I know in several parts of the State of Missouri as well.

I congratulate the Senator for his statement.

Mr. DAYTON. Mr. President, I salute my two colleagues, Senator MCCONNELL and Senator BOND, for their leadership in this very important area, along with Senator DODD. They spearheaded the improvements that were made to our election, registration, and voting procedures in the aftermath of the 2000 election difficulties. Clearly, the experience over last November's election shows that we have more work before us that has to be bipartisan. They have shown strong leadership, combined with others, and I look forward to being part of that as a member of the Senate Rules Committee. Senator LOTT, the chairman of that committee, will hold hearings in the very near future on this and other proposals. I believe it is imperative that we get that process underway so, as Senator BOND knows, every American knows they have the right to vote, and vote expeditiously, and every one of those votes is going to be counted.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Voter Protection Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is a need for Congress to encourage and enable every eligible and registered American to vote.

(2) There is a need for Congress to protect the franchise of all Americans by rooting out the potential for fraud in the electoral system.

(3) There is a need for Congress to provide States the tools necessary to protect against fraud in multiple, fictitious, and ineligible voter registrations.

(4) There is a need for Congress to ensure completed and valid voter registration forms are returned for processing so as to not disenfranchise voters who believe they have been properly registered.

(5) There is a need for Congress to provide States the tools necessary to protect against any American casting more than one ballot and ensuring poll workers are equipped to identify those who voted prior to election day.

(6) There is a need for Congress to ensure the accuracy, integrity, and fairness of every American election.

(7) There is a need for Congress to ensure the protection of every American's franchise is carried out in a uniform and nondiscriminatory manner.

TITLE I—VOTER REGISTRATION AND MAINTENANCE OF OFFICIAL LISTS OF REGISTERED VOTERS

SEC. 101. REQUIREMENTS FOR VOTERS WHO REGISTER OTHER THAN IN PERSON WITH AN OFFICER OR EMPLOYEE OF A STATE OR LOCAL GOVERNMENT ENTITY.

(a) IN GENERAL.—

(1) APPLICATION OF REQUIREMENTS TO VOTERS REGISTERING OTHER THAN IN PERSON.—Subparagraph (A) of section 303(b)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended to read as follows:

''(A) the individual registered to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government entity; and''.

(2) MEANING OF IN PERSON.—Paragraph (1) of section 303(b) of such Act is amended by inserting at the end the following:

''For purposes of subparagraph (A), an individual shall not be considered to have registered in person if the registration is submitted to an officer or employee of a State or local government entity by a person other than the person whose name appears on the voter registration form.''.

(3) CONFORMING AMENDMENTS.—

(A) The heading for subsection (b) of section 303 of such Act is amended by striking ''WHO REGISTER BY MAIL'' and inserting ''WHO DO NOT REGISTER IN PERSON''.

(B) The heading for section 303 of such Act is amended by striking ''**requirements for voters who register by mail**'' and inserting ''**voter registration requirements**''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply on and after January 1, 2006.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 303(d) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(2)) is amended by inserting at the end the following new subparagraph:

''(C) APPLICABILITY WITH RESPECT TO INDIVIDUALS WHO REGISTER OTHER THAN IN PERSON.—Notwithstanding subparagraphs (A) and (B)—

''(i) each State and jurisdiction shall be required to comply with the provisions of subsection (b) with respect to individuals who register to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government entity on and after January 1, 2006; and

''(ii) the provisions of subsection (b) shall apply to any individual who registers to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government on and after January 1, 2006.''.

(B) The heading for paragraph (2) of section 303(d) of such Act is amended by striking ''WHO REGISTER BY MAIL''.

(C) Subparagraph (A) of section 303(d)(2) of such Act is amended by inserting ''with respect to individuals who register by mail'' after ''subsection (b)''.

(D) Subparagraph (B) of section 303(d)(2) of such Act is amended by inserting ''by mail'' after ''registers to vote''.

SEC. 102. REMOVAL OF REGISTRANTS FROM VOTING ROLLS FOR FAILURE TO VOTE.

(a) IN GENERAL.—Section 8 of the National Voter Registration Act of 1994 (42 U.S.C. 1973gg–6) is amended by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively, and by inserting after subsection (g) the following new subsection:

''(h) FAILURE TO VOTE.—Except as otherwise provided in subsection (d), a State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has failed to vote unless—

''(1) the registrant has not voted or appeared to vote in 2 consecutive general elections for Federal office; and

''(2)(A) the registrant has not notified the applicable registrar (in person or in writing) during the period described in subparagraph (A) that the individual intends to remain registered in the registrar's jurisdiction; and

''(B) the applicable registrar has sent a notice which meets the requirements of paragraph (d)(2) and the notice is undeliverable.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 8(a)(4) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)(4)) is amended by striking ''or'' at the end of subparagraph (A), by inserting ''or'' at the end of subparagraph (B), and by adding at the end the following new subparagraph:

''(C) a failure to vote in 2 consecutive general elections for Federal office, in accordance with subsection (h) of this section;''.

(2) Section 8(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)) is amended by striking ''roll for elections for Federal office'' and all that follows and inserting the following ''roll for elections for Federal office shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).''.

SEC. 103. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

(a) IN GENERAL.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

''(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2005, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

''(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Voter Protection Act of 2005 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.''.

(b) CONSTRUCTION.—Nothing in this section or the amendment made by this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

SEC. 104. SYNCHRONIZATION OF STATE DATABASES.

(a) IN GENERAL.—Subparagraph (A) of section 303(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(1)(A)) is amended by adding at the end the following:

''(ix) The computerized list shall be in a format which allows for sharing and synchronization with other State computerized lists.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Paragraph (1) of section 303(d) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(1)) is amended by adding at the end the following:

''(C) SYNCHRONIZATION OF DATABASES.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a)(1)(A)(ix) on and after January 1, 2007.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 303(d)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)(1)(A)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

SEC. 105. INCOMPLETE REGISTRATION FORMS.

(a) IN GENERAL.—Subparagraph (B) of section 303(b)(4) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)(B)) is amended to read as follows:

''(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall return the incomplete voter registration form to the applicant and provide the applicant with an opportunity to complete the registration form.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any individual who registers to vote on or after January 1, 2006.

SEC. 106. REQUIREMENTS FOR SUBMISSION OF REGISTRATION FORMS BY THIRD PARTIES.

(a) IN GENERAL.—Section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by this Act, is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) REQUIREMENTS FOR SUBMISSION OR REGISTRATION FORMS BY THIRD PARTIES.—Notwithstanding section 8(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)), no State shall register any person to vote in an election for Federal office if the registration form is submitted—

''(1) by a person other than the person whose name appears on such form; and

''(2) more than 3 days after the date on which such form was signed by the registrant.''.

(b) CONFORMING AMENDMENT.—Section 906(a) of the Help America Vote Act of 2002 (42 U.S.C. 15545(a)) is amended by striking ''section 303(b)'' and inserting ''subsections (b) and (d) of section 303''.

(c) EFFECTIVE DATE.—Subsection (e) of section 303 of the Help America Vote Act of 2002 (42 U.S.C. 15483(d)), as redesignated by subsection (a), is amended by adding at the end the following new paragraph:

''(3) REQUIREMENT FOR SUBMISSION OF REGISTRATION FORMS BY THIRD PARTIES.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2006.''.

TITLE II—VOTING

SEC. 201. VOTER ROLLS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. VOTER ROLLS.

''(a) IN GENERAL.—If a State allows early voting or absentee voting for a Federal office, then such State shall be required to ensure that the voter rolls at each polling location on the day of the election accurately and affirmatively indicate—

''(1) which individuals have voted prior to such day; and

''(2) which individuals have requested an absentee ballot for such election.

''(b) RULE FOR PERSONS NOT VOTING IN PERSON.—For purposes of subsection (a)(1), a State shall affirmatively indicate that an individual who has not voted in person has voted if the State has received a ballot from such individual prior to the day of the election.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

SEC. 202. RETURN OF ABSENTEE BALLOTS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 305 and 306 as sections 306 and 307, respectively, and by inserting after section 304 the following new section.

''SEC. 305. RETURN OF ABSENTEE BALLOTS.

''(a) IN GENERAL.—Except as provided in the Uniformed and Overseas Citizens Absentee Voting Act, each absentee ballot cast for a Federal office must be received by the State by the close of business on the day of the election in order to be counted as a valid ballot.

''(b) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 304'' and inserting ''304, and 305''.

SEC. 203. IDENTIFICATION REQUIREMENT.

(a) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL AND OTHER THAN IN PERSON.—

(1) IN GENERAL.—Subparagraph (A) of section 303(b)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)) is amended—

(A) in clause (i)—

(i) by inserting ''issued by a government entity'' after ''identification'' in subclause (I); and

(ii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in subclause (II) and inserting ''recent''; and

(B) in clause (ii) —

(i) by inserting ''issued by a government entity'' after ''identification'' in subclause (I); and

(ii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in subclause (II) and inserting ''recent''.

(2) INAPPLICABILITY.—Paragraph (3) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(3)) is amended—

(A) in subparagraph (A)—

(i) by striking ''part of such'' and inserting ''a requirement for a valid'';

(ii) by inserting ''issued by a government entity'' after ''identification'' in clause (i); and

(iii) by striking ''current utility bill, bank statement, government check, paycheck, or other'' in clause (ii) and inserting ''recent''; and

(B) in subparagraph (B)(i), by striking ''with such'' and inserting ''as a requirement for a valid''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who register to vote on and after January 1, 2006, and each State and jurisdiction shall be required to comply with the requirements of section 303(b) of the Help America Vote Act of 2002, as amended by this section, on and after January 1, 2006.

(b) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 306 and 307 as sections 307 and 308, respectively, and by inserting after section 305 the following new section:

''SEC. 306. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present a current valid photo identification issued by a governmental entity before voting.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 305'' and inserting ''305, and 306''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

''PART 7—PHOTO IDENTIFICATION

''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of sections 303(b)(2) and 306.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements of section 303(b) and section 306; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications to meet the requirements of such sections.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of sections 303(b) and 306.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $25,000,000 for fiscal year 2006 and such sums as are necessary for each subsequent fiscal year for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

SEC. 204. CLARIFICATION OF COUNTING OF PROVISIONAL BALLOTS.

(a) IN GENERAL.—Paragraph (4) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended by adding at the end the following new sentence: ''For purposes of this paragraph, the determination of whether an individual is eligible under State law to vote shall take into account any provision of State law with respect to the polling site at which the individual is required to vote.''.

(b) CONFORMING AMENDMENT.—

(1) Paragraph (1) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(1)) is amended to read as follows:

''(1) An election official at the polling place shall—

''(A) notify the individual that the individual may cast a provisional ballot in that election; and

''(B) in the case of an individual who the election official asserts is not eligible to vote under State law because the individual is at an incorrect polling site, direct the individual to the appropriate polling site.''.

(2) Paragraph (2) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(2)) is amended by striking ''The individual'' and inserting ''Notwithstanding the requirement of paragraph (1)(B), the individual''.

SEC. 205. APPLICATIONS FOR ABSENTEE BALLOTS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended by this Act, is amended by redesignating sections 307 and 308 as sections 308 and 309, respectively, and by inserting after section 306 the following new section:

''SEC. 307. APPLICATIONS FOR ABSENTEE BALLOTS.

''(a) IN GENERAL.—An application for an absentee ballot for an election for Federal office may not be accepted and processed by a State unless the application includes—

''(1) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

''(2) in the case of any other applicant—

''(A) a photo copy of a current and valid photo identification issued by a government entity;

''(B) at least the last 4 digits of the applicant's social security number; or

''(C) the number assigned to such individual under section 303(a)(5)(A)(ii).

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2006.''.

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking ''and 306'' and inserting ''306, and 307''.

SEC. 206. PILOT PROGRAM FOR USE OF INDELIBLE INK AT POLLING PLACES.

Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as amended by this Act, is amended by adding at the end the following:

''PART 8—PILOT PROGRAM FOR USE OF INDELIBLE INK AT POLLING PLACES

''SEC. 299. PILOT PROGRAM.

''(a) IN GENERAL.—The Commission shall make grants to States to carry out pilot programs under which each voter in an election for Federal office in a State is marked with indelible ink after submitting a ballot.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission, at such time and in such form as the Commission may require, an application containing such information as the Commission may require.

''(c) REPORT.—

''(1) IN GENERAL.—Each State which receives a grant under this part shall submit to the Commission a report describing the activities carried out with the funds provided under the grant.

''(2) DEADLINE.—A State shall submit the report required under paragraph (1) not later than 60 days after the end of the fiscal year for which the State received the grant which is the subject of the report.

''SEC. 300. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for grants under this part $5,000,000 for fiscal year 2006 and such sums as are necessary for each succeeding fiscal year.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available, without fiscal year limitation, until expended.''.

TITLE III—CRIMINAL PENALTIES

SEC. 301. PENALTY FOR MAKING EXPENDITURES TO PERSONS TO REGISTER.

Section 597 of title 18, United States Code, is amended by inserting ''to register him to vote,'' after ''either''.

SEC. 302. PENALTY FOR CONSPIRACY TO INFLUENCE VOTING.

Section 597 of title 18, United States Code, as amended by this Act, is amended by striking ''makes or offers to make'' and inserting ''makes, offers to make, or conspires to make''.

SEC. 303. PENALTY FOR DESTRUCTION OF PROPERTY WITH INTENT TO IMPEDE THE ACT OF VOTING.

Section 594 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) Whoever destroys or damages any property with the intent to prevent or impede an individual from voting in an election for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined under this title, imprisoned for not more than 2 years, or both.''.

By Mr. ROCKEFELLER:

S. 415. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce legislation today know as the State Child Well-Being Research Act of 2005. This bill is designed to enhance child well-being in every State by collecting data on a State-by-State basis to provide information to advocates and policy-makers

about the well-being of children. Developing a set of indicators and measuring progress of child well-being deserves to be a priority.

My hope is to incorporate this important research initiative into the welfare reform reauthorization package. I believe that the Senate should reauthorize our welfare program, known as Temporary Assistance to Needy Families, TANF, and we should do it this year. Chairman GRASSLEY's interest in a bipartisan process is very encouraging.

In 1996, Congress passed bold legislation to dramatically change our welfare system, and I supported it. The driving force behind this reform was to promote work and self-sufficiency for families and to provide flexibility to States to achieve these goals. States have used this flexibility to design different programs that work better for families who rely on them.

Nine years later, it is obvious that we need State-by-State data on child well-being to measure the results. The current Survey of Income and Program Participation (SIPP) is used to evaluate the progress of welfare, and it has been an important national longitudinal study designed to provide rich, detailed data; the kinds of data most useful to academic researchers. It does not, however, provide States with good, timely data to help them more effectively accomplish the goals set forth in welfare reform. This is why is makes sense to invest in both types of surveys, the SIPP and this bill. As social policy and flexibility shifts to the States, the data measuring its effects should be specific.

This bill, the State Child Well Being Research Act of 2005, is intended to fill this information gap by collecting timely, State-specific data that can be used by policy-makers, researchers, and child advocates to assess the well being of children. It would require that a survey examine the physical and emotional health of children, adequately represent the experiences of families in individual States, be consistent across States, be collected annually, articulate results in easy to understand terms, and focus on low-income children and families.

The proposed legislation will provide data for all States, including small rural States that cannot be covered under SIPP because the sample size is too small. A modest investment in this bill would offer State data for the twenty-three rural states of Alabama, Alaska, Arkansas, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, West Virginia, and Wyoming. Moreover, data from a cross-sectional survey would be available to State policy-makers on a far more timely basis than those of a national longitudinal study, a matter of months instead of years.

Further, this bill avoids some of the other problems that plague the current system by making data files easier to use and more readily available. As a result, the information will be more useful for policy-makers managing welfare reform and programs for children and families.

This legislation also offers the potential for the Health and Human Service Department to partner with several private charitable foundations, including the Annie E. Casey, John D. and Catherine T. MacArthur, and McKnight foundations, who are interested in forming a partnership to provide outreach and support and to guarantee that the data collected would be broadly disseminated. This type of public-private partnership helps to leverage additional resources for children and families and increases the study's impact. Given the tight budget we face, partnerships make sense.

I hope my colleagues will support this effort to learn about the well-being of our children in rural States. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Child Well-Being Research Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The well-being of children is a paramount concern for our Nation and for every State, and most programs for children and families are managed at the State or local level.

(2) Child well-being varies over time and across social, economic, and geographic groups, and can be affected by changes in the circumstances of families, by the economy, by the social and cultural environment, and by public policies and programs at both the Federal and State level.

(3) States, including small States, need information about child well-being that is specific to their State and that is up-to-date, cost-effective, and consistent across States and over time.

(4) Regular collection of child well-being information at the State level is essential so that Federal and State officials can track child well-being over time.

(5) Information on child well-being is necessary for all States, particularly small States that do not have State-level data in other federally supported data bases, such as the Survey of Income and Program Participation.

(6) Telephone surveys of parents, on the other hand, represent a relatively cost-effective strategy for obtaining information on child well-being at the State level for all States, including small States.

(7) Data from telephone surveys of the population are used to monitor progress toward many important national goals, including immunization of preschool children with the National Immunization Survey, and the identification of health care issues of children with special needs with the National Survey of Children with Special Health Care Needs.

(8) A State-level telephone survey can provide information on a range of topics, including children's social and emotional development, education, health, safety, family income, family employment, and child care. Information addressing marriage and family structure can also be obtained for families with children. Information obtained from such a survey would not be available solely for children or families participating in programs but would be representative of the entire State population and consequently, would not only inform welfare policymaking, but policymaking on a range of other important issues, such as child care, child welfare, and education.

SEC. 3. RESEARCH ON INDICATORS OF CHILD WELL-BEING.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

''(k) INDICATORS OF CHILD WELL-BEING.—

''(1) IN GENERAL.—The Secretary, through grants, contracts, or interagency agreements shall develop comprehensive indicators to assess child well-being in each State.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The indicators developed under paragraph (1) shall include measures related to the following:

''(i) Education.

''(ii) Social and emotional development.

''(iii) Health and safety.

''(iv) Family well-being, such as family structure, income, employment, child care arrangements, and family relationships.

''(B) OTHER REQUIREMENTS.—The data collected with respect to the indicators developed under paragraph (1) shall be—

''(i) statistically representative at the State level;

''(ii) consistent across States;

''(iii) collected on an annual basis for at least the 5 years following the first year of collection;

''(iv) expressed in terms of rates or percentages;

''(v) statistically representative at the national level;

''(vi) measured with reliability;

''(vii) current;

''(viii) over-sampled, with respect to low-income children and families; and

''(ix) made publicly available.

''(C) CONSULTATION.—In developing the indicators required under paragraph (1) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with the Federal Interagency Forum on Child and Family Statistics.

''(3) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The Secretary shall establish an advisory panel to make recommendations regarding the appropriate measures and statistical tools necessary for making the assessment required under paragraph (1) based on the indicators developed under that paragraph and the data collected with respect to the indicators.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The advisory panel established under subparagraph (A) shall consist of the following:

''(I) One member appointed by the Secretary of Health and Human Services.

''(II) One member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(III) One member appointed by the Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(IV) One member appointed by the Chairman of the Committee on Finance of the Senate.

''(V) One member appointed by the Ranking Member of the Committee on Finance of the Senate.

''(VI) One member appointed by the Chairman of the National Governors Association, or the Chairman's designee.

''(VII) One member appointed by the President of the National Conference of State Legislatures or the President's designee.

''(VIII) One member appointed by the Director of the National Academy of Sciences, or the Director's designee.

''(ii) DEADLINE.—The members of the advisory panel shall be appointed not later than 2 months after the date of enactment of the State Child Well-Being Research Act of 2005.

''(C) MEETINGS.—The advisory panel established under subparagraph (A) shall meet—

''(i) at least 3 times during the first year after the date of enactment of the State Child Well-Being Research Act of 2005; and

''(ii) annually thereafter for the 3 succeeding years.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2006 through 2010, $15,000,000 for the purpose of carrying out this subsection.''.

By Mr. DORGAN (for himself and Mr. SHELBY):

S. 417. A bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists; to the Committee on Finance.

Mr. DORGAN. Mr. President, I rise today to introduce legislation, along with Senator SHELBY, to provide a financial safety net for the families of our young men and women who proudly serve in the Nation's military reserve and National Guard.

Our country is demanding that our military reservists and members of the National Guard play a more crucial and sustained role in supplementing the activities of our traditional Armed Forces than at any other time in our recent history. In response to the Iraq war and homeland security needs, the country has called up hundreds of thousands of our reservists and Guard members for extended tours of duty of up to 18 months.

Today, almost 184,000 National Guardsmen and reservists are on active duty. Military leaders expect the total number of reservists and Guardsmen on active duty for the war on terrorism to remain above 100,000 for the indefinite future.

Since September 11, 2001, more than 2,000 of North Dakota's Guardsmen and reservists have been called to duty and placed in harms way around the globe. One of the issues I hear most often about from those service members and their families is how hard it is for them to make ends meet on their military incomes.

When Guard members or reservists are mobilized, it has an enormous impact not only on their lives, but also on the lives of their loved ones. In many cases when an individual is mobilized, his or her family may experience a serious loss of income. This is because active duty military compensation often falls below what reservists earn in civilian income. In addition, some reservists experienced continuing financial losses after return to civilian life due to neglected businesses or professional practices.

These income losses are often exacerbated by the additional family expenses that are associated with military activation, such as the need for extra day care.

The Pentagon doesn't track the number of reservist families who have to live on diminished incomes during deployment. But it is clearly a significant problem. The Pentagon's Reserve Forces Policy Board says that one-third of all mobilized Reserve component members earn less than their private sector and civilian salaries while on active duty. Other estimates are even higher. For example, 45 percent of reserve officers and 55 percent of enlisted members who were activated for the 1990 Gulf War reported income loss. And a 1998 survey of junior enlisted members of the California National Guard's 40th Infantry Division showed that the great majority risked cutting their household income somewhere between 16 percent and more than 65 percent if they were called to active duty.

The most recent information on mobilization income loss comes from the year 2000. Some 41 percent of Guardsmen and reservists who were mobilized that year reported income losses ranging from $350 to more than $3,000 per month. Self-employed reservists reported an average income loss of $1,800 per month. Physicians and registered nurses in private practice reported an average income loss of as much as $7,000 per month.

Those were big losses. But when that survey was conducted in 2000, reservists were mobilized for an average of only 3.6 months. Today mobilizations of up 14 to 18 months are common. So the cumulative impact of lost wages is much bigger.

The loss of income that reservists and Guardsmen incur when they are ordered to leave their good-paying private sector or civilian jobs to serve their country often creates an unmanageable financial burden that disrupts the lives of their families who are already trying to cope with the emotional stress and hardship caused by the departure of a beloved spouse, father or mother who has been ordered to active duty.

In the mid-1990s the Pentagon tried to deal with this problem by offering members of the National Guard and Reserve the opportunity to buy insurance to guard against their risk of being called to active duty and losing income. The program sold coverage for income losses of up to $5,000 per month. Unfortunately, the program was poorly planned and executed, and Congress had to appropriate substantial money to bail out the program before it was terminated. Since then the private sector has not shown any interest in reviving the mobilization income insurance program. Thus, we need to find another way to deal with the issue. The solution I propose is one suggested by the Pentagon's Reserve Forces Policy Board, that is, an income loss tax credit.

The legislation that Senator SHELBY and I are introducing provides a fully refundable, 100-percent income tax credit of up to $20,000 annually to a military reservists on active duty based upon the difference in wages paid in his or her private sector or civilian job and the military wages paid upon mobilization. For this purpose, a qualified military reservist is a member of the National Guard or Ready Reserve who is mobilized and serving for more than 90 days.

In conclusion, we owe a great deal to those Americans who put on their uniforms and serve in the military in the most difficult of circumstances. We can never fully repay that debt. However, we can do much more to remove the immediate financial burden that many reserve and National Guard families experience when a family member is ordered to active duty. This legislation will provide those families with some much-needed financial assistance. I urge my colleagues in the Senate to support my efforts to get this tax relief measure enacted into law as soon as possible.

Mr. SHELBY. Mr. President, I rise today to introduce legislation with Senator DORGAN to provide a financial safety net for the families of our servicemembers who proudly serve in our Nation's military Reserve and National Guard.

Today, our National Guard and Reserve units are being called upon more than ever and are being asked to serve their country in a very different way than in the past. The Global War on Terror and the high operational tempo of our military require that our Reserve components play a more active role in the total force.

In the past, our Reservists were exactly what their name implied—a backup force called upon one weekend a month and two weeks a year. However, as the Cold War melted away, so did much of our military. Active Duty numbers were reduced as our major threat, the Soviet Union, fell apart. Since this reduction in our Active Duty armed forces, the burden has fallen to the Reservists to ''pick up the slack.''

Unlike any other time in our Nation's history, we now depend heavily on our Reserve component and have called on many of them to participate in major deployments, including Operation Enduring Freedom and Operation Iraqi Freedom. These deployments frequently necessitate extended tours of duty, many of them exceeding twelve months, for these citizen-soldiers.

These long tours and frequent activations have a profound and disruptive effect on the lives of these men and women and on the lives of their families and loved ones. Many of our reservists suffer a significant loss of income when they are mobilized—forcing them to leave often higher paying civilian jobs to serve their country. Such losses can be compounded by additional family expenses associated with military activation, including the cost of long distance phone calls and the need for

additional child care. These circumstances create a serious financial burden that is extremely difficult for reservists' families to manage. We can and should do more to alleviate this financial burden.

Previously, the Pentagon tried to address this problem by offering members of the National Guard and Reserve the opportunity to buy insurance to protect against income loss upon mobilization in the mid-1990s. The program sold coverage for income losses of up to $5,000 per month. Unfortunately, the program was poorly planned and executed, and Congress had to appropriate substantial money to bail out the program before it was terminated. Since then, the private sector has shown little interest in reviving the mobilization income insurance program even though the Reserve Forces Policy Board has sighted income protection as one of its top recommendations.

It is critical that we find another way to deal with the issue. Therefore, Senator DORGAN and I have proposed the Military Reserve Mobilization Income Security Act. This legislation would provide a completely refundable income tax credit of up to $20,000 annually to a military reservist called to active duty. The amount of the tax credit would be based upon the difference between wages paid by the reservist's civilian job and the military wages paid upon mobilization. The tax credit would be available to members of the National Guard or Ready Reserve who are serving for more than 90 days and would vary according to their length of service.

Now is the time to recognize the service and sacrifice of the men and women who are in the Reserves. At a time when the Nation is once again calling them to active duty to execute the war in Iraq, fight the War on Terrorism, and to defend our homeland it is imperative that Congress recognize the vital role these soldiers play within our military and acknowledge that the success of our military depends on these troops.

I believe that what Senator DORGAN and I are doing with this bill is the least we can do for these men and women and their families. It is not too much to ask of our Nation and more importantly, it is the right thing to do.

By Mr. ENZI (for himself, Mrs. CLINTON, Mr. HAGEL, and Mr. SCHUMER):

S. 418. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENZI. Mr. President, I rise today with my colleague from New York to introduce the Military Personnel Financial Services Protection Act of 2005. This bill is needed to protect our military personnel and their families from unscrupulous financial products. Over the past year, it has become increasingly clear to many that the lack of oversight in this area has allowed certain individuals to push high cost financial products on unknowing military personnel. This practice must be stopped. Our soldiers and their families deserve much better, especially during a time when so many of them are serving at home and overseas to protect our freedom.

The bill that we introduce today will halt completely the sale of a mutual fund-like product that charges a 50 percent sales commission against the first year of contributions by a military family. Currently, there are hundreds of mutual fund products available on the market that charge less than six percent. The excessive sales charges of these contractually based financial products make them susceptible to abusive and misleading sales practices.

In addition, certain life insurance products are being offered to our service members disguised and marketed as investment products. These products provide very low death benefits while charging very high premiums, especially in the first few years. Many of these products are unsuitable for the insurance and investment needs of military families.

One of the major problems with the sale of insurance products on military bases is the confusion of whether state insurance regulators or military base commanders are responsible for the oversight of sales agents. Typically, military base commanders will bar certain sales agents from a military base only to have the sales agents show up at other military facilities. Since there is no record of the bar, State insurance regulators have been unable to have adequate oversight of the individuals. The bill that we introduce today will solve that problem. It will state clearly that State insurance regulators have jurisdiction of the sale of insurance products on military bases.

The bill will also urge State insurance regulators to work with the Department of Defense to develop life insurance product standards and disclosures. The Department of Defense will keep a list of individuals who are barred or banned from military bases due to abuse or unscrupulous sales tactics and to share that list with Federal and State insurance, securities and other relevant regulators.

Finally, the bill that we are introducing today will protect our military families by preventing investment companies from issuing periodic payment plan certificates, the mutual fund-like investment product with extremely high first year costs. This type of financial instrument has been criticized by securities regulators since the late 1960s.

It should be noted that there are many upstanding financial and insurance companies that sell very worthwhile investment and insurance products to military families. They should be applauded for the fine job that they do in helping our military members and their families. This bill is targeted at the few who abuse the system and prey upon our military.

Congress is fully aware of the dangers faced by our military personnel in keeping our country safe from harm. Likewise, we must do all that we can to arm our soldiers when they face the dangers of planning for their financial futures.

I urge my colleagues to take up this bill immediately so that we can help our men and women in the military and their families.

By Mr. KYL:

S. 419. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Finance.

Mr. KYL. Mr. President, today I am introducing legislation to make the 15-year depreciation recovery period for improvements to restaurants permanent, and to extend this treatment to cover new restaurant construction as well. Last year, in the American Jobs Creation Act of 2004 (Public Law 108–357), Congress set the depreciation recovery period for renovations and improvements made to existing restaurant buildings at 15 years, but this treatment only applies to property placed in service before the end of 2005.

The legislation I am introducing today will permanently set the depreciation recovery period for new restaurant construction and for improvements to existing restaurants at 15 years. It simply makes no sense that the current law providing a 15-year life for improvements to restaurant properties expires at the end of 2005. Restaurants are businesses, and they need the certainty to plan investments several years in advance. Further, Congress should expand the treatment to apply to new construction, as well as to improvements.

Restaurants are high-volume businesses. Every day, more than half of all Americans eat out. Restaurants get more customer traffic and maintain longer hours than the average commercial business—many staying open 7 days a week. This tremendous amount of activity causes rapid deterioration in a restaurant building's systems, from its entrances and lobbies to its flooring, restrooms, and interior walls.

Restaurants improve and renovate constantly to accommodate the wear and tear of heavy customer traffic and to keep pace with changing consumer preferences. Clearly, a 39-year depreciation recovery period—which is what the recovery period will revert to after 2005—does not match the economic life for new restaurant buildings or for improvements to existing structures.

Moreover, permanently setting the depreciation recovery period at 15 years will encourage significant economic activity. According to the National Restaurant Association, a 15-year depreciation recovery period for

new restaurant construction and improvements to existing properties would generate an additional $3.7 billion in cash flow for the restaurant industry over the next 10 years. If restaurants use just 25 percent of this influx of cash to expand and undertake additional renovations, the Restaurant Association study predicts that the 10-year economic impact would be $853 million.

I hope all of my colleagues will join me in this effort to bring certainty and a rational depreciation recovery period to the restaurant industry so that restaurant owners can continue to expand their businesses and provide good jobs to American workers.

By Mr. KYL (for himself, Mr. NELSON of Florida, Mr. ALLARD, Mr. ALLEN, Mr. BURNS, Mr. INHOFE, Mr. TALENT, and Mr. THUNE):

S. 420. A bill to make the repeal of the estate tax permanent; to the Committee on Finance.

Mr. KYL. Mr. President, today I am pleased to introduce the Death Tax Repeal Permanency Act of 2005 along with Senator BILL NELSON. This bipartisan legislation will make the death tax a thing of the past.

As we all know, Congress, working with President Bush, enacted bipartisan legislation in 2001 to phase out and eventually repeal the death tax in 2010. Unfortunately, because we did not have the 60 votes we needed to avoid a filibuster by opponents of the cuts, we could not make the repeal permanent. Rather, under Senate rules, the cuts could only be extended for the term of the budget: 10 years. As a consequence, the death tax springs back to life in 2011, at its old rate of up to 60 percent and at its old exemption level of only $1 million. Senator NELSON and I understand that this tax structure is simply unworkable for families and family businesses. We agree that the best solution is to simply get rid of the death tax once and for all. That's why we are introducing legislation today to make death tax repeal permanent.

Senator NELSON and I are joined in this effort by Senators ALLARD, ALLEN, BURNS, INHOFE, TALENT, and THUNE, and we have the full support of President Bush, who once again included permanent repeal of the death tax in his Fiscal Year 2006 budget proposal.

The death tax is an unfair, inefficient, economically unsound and, frankly, an immoral tax that should be removed from the tax code. A recent survey found that 58 percent of Americans believe the death tax is ''completely unfair.'' In contrast, only 10 percent of those surveyed said the same about sales taxes. Moreover, this view is shared by Americans across income levels and political parties: 61 percent of Americans making less than $30,000 a year believe the death tax is ''completely unfair''; 89 percent of respondents who supported President Bush in the last election and 71 percent of respondents who supported his opponent in the last election label the death tax somewhat or very ''unfair.''

And the death tax is unfair, first of all, to the decedent and to his or her heirs. We are talking about people who work hard throughout their lives, perhaps start businesses, or perhaps buy homes in fast-growing metropolitan areas where real estate values are skyrocketing. Or it could be such a person owns a farm or just works hard in a company owned by others, but that person saves and invests and eventually accumulates a small but respectable nest egg. As you can see, the tax reaches far more than the ''ultra-rich,'' its intended targets when it was first imposed. The American dream is to be able to leave these assets to one's children so that they might enjoy a better life than their parents. It is simply unfair and immoral for the government to take more than half of these assets at death.

Americans understand that the death tax is unfair because it falls on families when they have the least ability to make significant economic decisions: at the time they lose a loved one. Further, it is unfair because expensive tax planning can significantly ease the effect of the death tax. If you have the money to hire the right lawyer, buy the large insurance policies that are needed, and do the proper planning, your family can be spared much of the financial pain caused by the death tax. If, on the other hand, you die without warning or if you have an unexpectedly large estate due to increased property values and prudent investments, you are caught paying a larger tax. Taxes required as a result of intentional, planned economic decisions are one thing; taxes on an untimely death are quite another.

Not only is the death tax unfair; it hurts economic growth. The death tax creates a disincentive to build a family farm, ranch, or other business with the goal of passing it on to one's children. In some cases, it makes more sense for a family business to be sold when the owner retires, since the taxes, primarily capital gains taxes, are going to be much lower if the assets are sold while the owner is still alive. Further, planning for the death tax makes it harder to expand a family business because needed resources are spent on attorneys and life insurance instead of growing the business. As much is spent each year on such ''avoidance planning'' as is collected in death taxes by the government.

The death tax also hurts economic growth by discouraging savings and investment. Whether it falls on a family business built through hard work or on a family with a home and a lifetime of investments in 401(k) and IRAs thanks to prudent living, it claims nearly half of an estate over the unified credit amount ($1.5 million in 2005) for the federal government. Such confiscatory tax rates give people little incentive to save and invest. What's more, the American people understand that the death tax represents multiple levels of taxation. Fully 80 percent of those in a recent survey said that the tax represents an ''extreme'' form of ''triple taxation.''

The death tax has a broader economic reach than to just those immediately hit with the tax. Suppose a small business employs 25, maybe 30 people, all of whom rely on the business for their livelihood, health insurance, and retirement savings. The entrepreneur's heirs may not have enough cash to pay the applicable death tax, so they may be forced to liquidate the business. Depending on who buys the assets and what is done with them, the employees may now have to find other jobs. Moreover, all of the companies that sold items to or bought items from this business might need to find other suppliers or customers, leaving a hole in the economy. According to the IRS ''Statistics of Income,'' estate and gift taxes only brought in about $22.8 billion in fiscal year 2003 barely more than one percent of all gross tax collections by the Treasury Department. For such a small amount of revenue, the death tax inflicts a disproportionately large amount of damage on the economy.

One of the most interesting statements about the death tax was made by Edward J. McCaffrey, a law professor from the University of Southern California and self-described liberal, in testimony before Congress several years back. He said, ''Polls and practices show that we like sin taxes, such as on alcohol and cigarettes. . . . The estate tax is an anti-sin, or a virtue, tax. It is a tax on work and savings without consumption, on thrift, on long term savings.''

I urge Congress to act this year to end this tax on virtue, work, savings, job creation and the American dream, and to end it permanently.

Mr. NELSON of Florida. Mr. President, I rise today with my colleague from Arizona, Senator KYL, to introduce a bill that will eliminate the death tax once and for all. I want to thank my friend for his tireless leadership in fighting to completely and permanently repeal this unfair and unwise tax. I am proud to join him in this bipartisan effort.

First, though, I think a little historical context is important. Remembering back to 2001, this body passed a tax cut bill that set us on the path toward full repeal of the death tax. Under this plan, between 2001 and 2009, the tax gradually is phased out, reducing the marginal rates and increasing the amount that would be exempt from taxes.

Then, in 2010, the death tax will be eliminated. But it springs back to life in 2011 at the level it was in 2001.

Today, the legislation we are introducing tends to Congress' unfinished business. Our bill eliminates the so-called ''sunset'' date and, simply put: keeps the death tax dead.

This is an important point. It is a matter of intellectual honesty and provides much needed stability in estate planning. No one ever truly expected the death tax would revert to pre-2001 levels. This was a quirk of the budget process, and something I always believed would be remedied.

Without action to create permanence in the Tax Code, this on-again, off-again, then on again approach makes estate planning complicated and uncertain. As it stands now—financially speaking—2010 will be a good year to die, but dying in 2011 will be very expensive for your heirs. This was never Congress' intent.

Furthermore, I believe the cost of planning is a tremendous burden on our economy. Rather than reinvesting resources in their businesses, Americans are paying lawyers, accountants and insurers to help insulate their families from the cost of the death tax. Typical business owners are more concerned about avoiding the tax than investing in their businesses and making money, which creates jobs and stimulates the economy.

I echo the feelings of an editor at the Arkansas Democrat-Gazette, who in 2001 called this tax ''an un-American drag on the American Dream—and economy.''

Since my election in 2000 it has been a priority of mine to do away with this tax, helping business owners and family farmers to improve their children's standard of living, and to reinvest in the nation's economy. This is the wrong tax levied at the wrong time; we should not be taxing individuals at death, forcing family members to make a choice between selling assets or keeping the family business.

In particular, farmers in Florida are affected more than their fair share by this tax. With the high price of land, farms can easily outgrow the exemptions in current law. When a parent dies, children are forced to sell the land in order to cover the death tax. A family legacy is lost, and so are jobs.

I am proud to introduce this bill today, and I look forward to working with Senator KYL as we try to lend some stability and sensibility to how taxes are levied at death.

By Mr. LOTT (for himself and Mr. KOHL):

S. 421. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, I rise today to join Senator LOTT in introducing legislation which is of great importance to millions of people throughout the country. The sport fishing and boating communities play a vital role in our Nation's economy, and I am pleased to be working with Senator Lott on legislation that will directly impact boaters and anglers everywhere.

In Wisconsin, anglers and boaters are integral to the State's economy. Our access to the Great Lakes is only a portion of what makes my State an excellent boating and fishing destination. From the Mississippi River to Sturgeon Bay, Wisconsin encompasses thousands of acres of lakes and rivers; my State is home to more than 1.4 million anglers, and a destination for thousands of boating and fishing related tourists each year. In 2001, approximately $1 billion was spent in the State on fishing related activities, according to a study conducted by the Fish and Wildlife Service. Recreational boating is an equal partner to the sport fishing industry, with more than $526 million being spent in 2003 on powerboats and accessories. As a recreation for residents and draw for tourists, the contribution of water sports to Wisconsin is immeasurable.

Today, Senator LOTT and I are introducing legislation aimed at giving back to the fishing and boating communities. This legislation, however, would not exist if it were not for the leadership of Senator Breaux, who worked tirelessly on boating and fishing issues during his tenure in Congress. In 1984, as a member of the House of Representatives, he worked with then Senator Malcolm Wallop, to create the Aquatic Resources Trust Fund. The trust fund, commonly known as the Wallop-Breaux Trust Fund, serves as a collection point for most of the excise taxes attributable to motorboat and small engine fuels, as well as the taxes on fishing equipment. The Wallop-Breaux fund is one of the most successful examples of a ''user pays, user benefits'' program; the excise taxes that are collected into the fund are then used on programs that directly benefit boaters and anglers. The funding is then distributed to States for activities ranging from boating safety education to maintaining our nation's wetlands.

I am dedicated to continuing the legacy of Wallop-Breaux. That is why Senator LOTT and I are introducing legislation that will reauthorize the Aquatic Resources Trust Fund and expand the size of the Fund. The legislation we are introducing today mirrors the Sport Fishing and Recreational Boating Safety bill in the 108th Congress, which was later incorporated in the Senate-passed version of the highway reauthorization bill. Unfortunately, the legislation was not enacted before the end of the last session.

In addition to reauthorizing this important program, Senator LOTT and I are introducing legislation that would recover approximately $110 million per year of excise taxes currently being paid by anglers and boaters. Under current law, only 13.5 cents is sent to the Aquatic Resources Trust Fund, which is only a portion of the 18.3 cents that is collected on motorboat and small engine fuels. Restoring the remaining excise taxes will significantly boost funding for the important programs under the Sport Fish Restoration Act. In Wisconsin, this could amount to an additional $3 million annually for fishing and boating activities.

I am very proud to be working with Senator LOTT on this issue. Passing this legislation will be a top priority for me in the 109th Congress. It is an issue that I know is important to the people of Wisconsin: to boaters on the Great Lakes; to the Department of Natural Resources; to anglers on rivers and lakes throughout the state. I can assure every Senator that it is equally important to people in his or her State, and I look forward to working with my colleagues to ensure this legislation's adoption.

By Mr. BOND (for himself, Mr. KENNEDY, Mr. TALENT, Mr. JOHNSON, and Mr. ISAKSON):

S. 424. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues, Senators BOND, TALENT, JOHNSON, and ISAKSON, in introducing the ''Arthritis Prevention, Control, and Cure Act of 2005'', and I commend them for their commitment to this important issue. The bill is the product of extensive cooperation and input from the arthritis community, including health providers, patients, and their families. Through this legislation we hope to lessen the burden of arthritis and other rheumatic diseases on citizens across the Nation.

Seventy million adults—one of every three in the nation—suffer from arthritis or related conditions, and all ages are affected. Nearly two-thirds of its victims are under the age of 65, and 300,000 are children. Arthritis accounts for 4 million days of hospital care each year, and results in 44 million outpatient visits. It costs $51 million in annual medical care, and $86 million more in lost productivity. For 8 million Americans, it is an overwhelming hardship involving serious disability.

In recent years, research into the prevention and treatment of arthritis has led to measures to improve the quality of life for large numbers of persons suffering from the disease. We know that early diagnosis, treatment, and appropriate management are key to success. A National Arthritis Action Plan has been developed that could provide timely information and more effective medical care nationwide, but less than one percent of persons with arthritis are benefiting from the knowledge. With a real commitment, we can bring the highest quality of care to everyone with arthritis.

Our legislation will implement strategies to carry out the National Arthritis Action Plan. That means supporting prevention and treatment programs and developing education and outreach activities. It means coordinating and increasing research for prevention and treatment, and applying the results to every age group affected by the disease.

We include planning grants to support innovative research on juvenile arthritis in order to develop better care and treatment for children, and collect data on its likely causes. We support training for health providers specializing in pediatric rheumatology, so that all children will have greater access to these uniquely qualified physicians.

The legislation will improve the quality of life for large numbers of adults and children. It will save lives, reduce disability, and avoid millions of dollars in medical costs. Citizens everywhere will have greater access to the latest research and medical care to prevent and treat this debilitating disease. I urge our colleagues to support this much needed legislation.

By Mr. JEFFORDS (for himself, Ms. CANTWELL, and Mr. KENNEDY):

S. 426. A bill to enhance national security by improving the reliability of the United States electricity transmission grid, to ensure efficient, reliable and affordable energy to American consumers, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, today I am introducing comprehensive legislation to ensure the reliable delivery of electric power in the United States.

Last Congress, in August of 2003, nearly 50 million people in the Northeast and Midwest were affected by a massive power outage. This event emphasized the vulnerability of the U.S. electricity grid to human error, mechanical failure, and weather-related outages. We must act to protect the grid from devastating interruptions in the future. That is why I am introducing this bill today to ensure greater reliability in our electricity delivery system.

My bill, the Electric Reliability Security Act of 2005, will help achieve reliability and security of the electricity grid in an efficient, cost-effective, and environmentally sound manner. It does so by creating mandatory, nationwide electric reliability standards.

The bill also mandates regional coordination in the siting of transmission facilities, and provides $10 billion dollars in loan guarantees to finance ''smart grid'' technologies that improve the way the grid transmits power.

While a $10 billion dollar investment may seem to be a large investment, it is significantly less than the transmission cost estimates that have circulated following the Northeast blackout. Industry experts estimated that it would cost consumers as much as $100 billion dollars to upgrade transmission systems and site new lines to meet future reliability needs.

However, even this hefty price tag does not factor in the costs of additional generation, does not consider the rising cost of natural gas due to increasing electricity consumption, and does not include the environmental and other social costs of continued expansion of our presently centralized power system. Power lines are expensive and are rarely welcomed by the nearby public. The loan guarantees in the bill will help balance the need for new transmission lines by providing federal resources to help improve existing ones.

In addition to addressing system operation and transmission needs, the bill also promotes sound system management. It establishes a Federal system benefits fund as a match for state programs. Historically, regulated electric utility companies have provided a number of energy-related public services beyond simply supplying electricity that benefit the system as a whole. Such services have included bill payment assistance and energy conservation measures for low-income households, energy efficiency programs for residential and business customers, and pilot programs to promote renewable energy resources. More than 20 states, including my home state of Vermont, have public benefits programs. This bill will provide needed federal matching money to States for these programs. Our states can use these funds. They will be able to move more quickly to deploy these low-cost strategies with federal help.

The Alliance to Save Energy estimates that a federal program to match existing state public benefits programs would save 1.24 trillion kilowatt-hours of electricity over 20 years, and cut consumer energy bills by about $100 billion dollars. Mr. President, my bill, which has the potential to save consumers $100 billion dollars is far preferable to raising consumer electricity bills by the $100 billion dollars to raise money for grid expansion. My Vermont constituents would prefer to keep the lights on, and their money in their own pockets. The bill also establishes energy efficiency performance standards for utilities. The United States has experienced tremendous growth in electricity consumption over the past decade. Current estimates are that electricity consumption is increasing at roughly 2 percent per year.

Between 1993 and 1999, U.S. summer peak electricity use alone increased by 95,000 megawatts. This is the equivalent of adding a new, six-state New England to the nation's electricity demand every fourteen months. Energy experts estimate that as much as 50 percent of expected new demand over the next 20 years can be met through consumer efficiency and load management programs. Over the past two decades, utility demand-side efficiency programs have avoided the need for more than 100 300-megawatt power plants. However, with the advent of electricity deregulation, utility spending on these efficiency programs has dropped by almost half. The federal government should seek to correct this trend, and this bill takes a strong first step in that direction by phasing in a requirement that utilities reduce their peak demand for power and their customers' power use between 2006 and 2015.

Finally, the bill enacts standards that enable increased on-site, or distributed, generation to reduce pressure on the grid and lessen the impact of a blackout should one occur. We have an obligation, Mr. President, to ensure that the electricity grid is secure. We currently have a giant system consisting of almost 200,000 miles of interconnecting lines that constantly shift huge amounts of electricity throughout the country. Such a giant and complex system, traversing miles of city and countryside, is inevitably subject to unforseen problems. Simply making it bigger will never take away all uncertainty, nor can it eliminate the vulnerability of the grid to sabotage or terrorist attack. We should do all we can to make certain such vulnerabilities are reduced.

In summary, I am introducing this legislation because I feel that we should be cautious in our assumptions that the answer to our nation's reliability woes lies primarily in building a bigger, more expansive grid. Simply building more transmission lines is not the answer. Investments in energy efficiency and on-site generation can significantly improve the reliability of the nation's electricity grid and in most cases will be cheaper, faster to implement and more environmentally friendly than large-scale grid expansion. We also must fill the regulatory gaps in the system, which my bill does. Congress should establish mandatory reliability standards and close other regulatory gaps left by state deregulation of the electricity sector. In addition, no national reliability program will be effective or complete without strong incentives for demand-side management programs for efficiency and for on-site generation.

We cannot solve today's energy problems with yesterday's solutions. My bill is an innovative approach to ensuring electric reliability by maximizing energy efficiency, regulatory efficiency, and efficient investment. Given the high costs of power outages to our country, we cannot afford to do otherwise.

I invite my colleagues to join me in my efforts to advance energy security and reliability in the United States. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Electric Reliability Security Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—RELIABILITY

SEC. 101. ELECTRIC RELIABILITY STANDARDS.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by adding at the end the following:

''SEC. 215. ELECTRIC RELIABILITY.

''(a) DEFINITIONS.—In this section:

''(1)(A) The term 'bulk-power system' means—

''(i) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

''(ii) electric energy from generation facilities needed to maintain transmission system reliability.

''(B) The term 'bulk-power system' does not include facilities used in the local distribution of electric energy.

''(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

''(3) The term 'interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of 1 or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

''(4) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

''(5)(A) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system.

''(B) The term 'reliability standard' includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to those facilities to the extent necessary to provide for reliable operation of the bulk-power system.

''(C) The term 'reliability standard' does not include any requirement to enlarge a facility described in subparagraph (B) or to construct new transmission capacity or generation capacity.

''(6) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

''(7) The term 'transmission organization' means a regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

''(b) JURISDICTION AND APPLICABILITY.—(1)(A) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section.

''(B) All users, owners, and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

''(2) Not later than 180 days after the date of enactment of this section, the Commission shall issue a final rule to implement this section.

''(c) CERTIFICATION.—(1) Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization.

''(2) The Commission may certify an ERO described in paragraph (1) if the Commission determines that the ERO—

''(A) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

''(B) has established rules that—

''(i) ensure the independence of the ERO from the users and owners and operators of the bulk-power system, while ensuring fair stakeholder representation in the selection of directors of the ERO and balanced decisionmaking in any ERO committee or subordinate organizational structure;

''(ii) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

''(iii) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

''(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising the duties of the ERO; and

''(v) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

''(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that the Electric Reliability Organization proposes to be made effective under this section with the Commission.

''(2)(A) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if the Commission determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(B) The Commission—

''(i) shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an interconnection-wide basis with respect to a reliability standard to be applicable within that interconnection; but

''(ii) shall not defer with respect to the effect of a standard on competition.

''(C) A proposed standard or modification shall take effect upon approval by the Commission.

''(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

''(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

''(5) The Commission, upon a motion of the Commission or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

''(6)(A) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization.

''(B) The transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule, or agreement as is accepted, approved, or ordered by the Commission until—

''(i) the Commission finds a conflict exists between a reliability standard and any such provision;

''(ii) the Commission orders a change to the provision pursuant to section 206; and

''(iii) the ordered change becomes effective under this part.

''(C) If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, the Commission shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5).

''(e) ENFORCEMENT.—(1) Subject to paragraph (2), the ERO may impose a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

''(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

''(B) files notice and the record of the proceeding with the Commission.

''(2)(A) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the date on which the ERO files with the Commission notice of the penalty and the record of proceedings.

''(B) The penalty shall be subject to review by the Commission upon—

''(i) a motion by the Commission; or

''(ii) application by the user, owner, or operator that is the subject of the penalty filed not later than 30 days after the date on which the notice is filed with the Commission.

''(C) Application to the Commission for review, or the initiation of review by the Commission upon a motion of the Commission, shall not operate as a stay of the penalty unless the Commission orders otherwise upon a motion of the Commission or upon application by the user, owner, or operator that is the subject of the penalty.

''(D) In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the ERO and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the ERO for further proceedings.

''(E) The Commission shall implement expedited procedures for hearings described in subparagraph (D).

''(3) Upon a motion of the Commission or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any act or practice that constitutes or will constitute a violation of a reliability standard.

''(4)(A) The Commission shall issue regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

''(i) the regional entity is governed by an independent board, a balanced stakeholder board, or a combination of an independent and balanced stakeholder board;

''(ii) the regional entity otherwise meets the requirements of paragraphs (1) and (2) of subsection (c); and

''(iii) the agreement promotes effective and efficient administration of bulk-power system reliability.

''(B) The Commission may modify a delegation under this paragraph.

''(C) The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved.

''(D) The regulations issued under this paragraph may provide that the Commission may assign the authority of the ERO to enforce reliability standards under paragraph (1) directly to a regional entity in accordance with this paragraph.

''(5) The Commission may take such action as the Commission determines to be appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

''(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of the user, owner, or operator to remedy the violation in a timely manner.

''(f) CHANGES IN ELECTRIC RELIABILITY ORGANIZATION RULES.—(1) The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of the basis and purpose of the rule and proposed rule change.

''(2) The Commission, upon a motion of the Commission or upon complaint, may propose a change to the rules of the ERO.

''(3) A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and meets the requirements of subsection (c).

''(g) RELIABILITY REPORTS.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

''(h) COORDINATION WITH CANADA AND MEXICO.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the ERO in the United States and Canada or Mexico.

''(i) SAVINGS PROVISIONS.—(1) The ERO may develop and enforce compliance with reliability standards for only the bulk-power system.

''(2) Nothing in this section authorizes the ERO or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

''(3) Nothing in this section preempts any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

''(4) Not later than 90 days after the date of application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the ERO.

''(5) The Commission, after consultation with the ERO and the State taking action, may stay the effectiveness of any State action, pending the issuance by the Commission of a final order.

''(j) REGIONAL ADVISORY BODIES.—(1) The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than ½ of the electric load of the States served within the region.

''(2) A regional advisory body—

''(A) shall be composed of 1 member from each participating State in the region, appointed by the Governor of the State; and

''(B) may include representatives of agencies, States, and provinces outside the United States.

''(3) A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding—

''(A) the governance of an existing or proposed regional entity within the same region;

''(B) whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest;

''(C) whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(D) any other responsibilities requested by the Commission.

''(4) The Commission may give deference to the advice of a regional advisory body if that body is organized on an interconnection-wide basis.

''(k) ALASKA AND HAWAII.—This section does not apply to Alaska or Hawaii.''.

(b) STATUS OF ERO.—The Electric Reliability Organization certified by the Federal Energy Regulatory Commission under section 215(c) of the Federal Power Act (as added by subsection (a)) and any regional entity delegated enforcement authority pursuant to section 215(e)(4) of that Act (as so added) are not departments, agencies, or instrumentalities of the United States Government.

SEC. 102. MODEL ELECTRIC UTILITY WORKERS CODE.

Subtitle B of title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621 et seq.) is amended by adding at the end the following:

''SEC. 118. MODEL CODE FOR ELECTRIC UTILITY WORKERS.

''(a) IN GENERAL.—The Secretary shall develop by rule and circulate among the States for their consideration a model code containing standards for electric facility workers to ensure electric facility safety and reliability.

''(b) CONSULTATION.—In developing the standards, the Secretary shall consult with all interested parties, including representatives of electric facility workers.

''(c) NOT AFFECTING OCCUPATIONAL SAFETY AND HEALTH.—In issuing a model code under this section, the Secretary shall not, for purposes of section 4 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653), be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.''.

SEC. 103. ELECTRICITY OUTAGE INVESTIGATION.

Part III of the Federal Power Act (16 U.S.C. 824) is amended—

(1) by redesignating sections 320 and 321 (16 U.S.C. 825r, 791a) as sections 321 and 322, respectively; and

(2) by inserting after section 319 (16 U.S.C. 825q) the following:

''SEC. 320. ELECTRICITY OUTAGE INVESTIGATION BOARD.

''(a) ESTABLISHMENT.—There is established an Electricity Outage Investigation Board that shall be an independent establishment within the executive branch.

''(b) MEMBERSHIP.—(1) The Board shall consist of 7 members and shall include—

''(A) the Secretary of Energy (or a designee);

''(B) the Chairperson of the Federal Energy Regulatory Commission (or a designee);

''(C) a representative of the National Academy of Sciences appointed by the President;

''(D) a representative nominated by the majority leader of the Senate and appointed by the President;

''(E) a representative nominated by the minority leader of the Senate and appointed by the President;

''(F) a representative nominated by the majority leader of the House of Representatives and appointed by the President; and

''(G) a representative nominated by the minority leader of the House of Representatives and appointed by the President.

''(2) Each member of the Board shall demonstrate relevant expertise in the field of electricity generation, transmission, and distribution, and such other expertise as will best assist in carrying out the duties of the Board.

''(c) TERMS.—(1) Except as provided in paragraph (2), each member of the Board shall serve for a term of 3 years.

''(2) The Secretary of Energy and the Chairperson of the Federal Energy Regulatory Commission shall be permanent members of the Board.

''(d) DUTIES.—The Board shall—

''(1) upon request by Congress or the President, investigate a major bulk-power system failure in the United States to determine the causes of the failure;

''(2) report expeditiously to Congress and the President the results of the investigation; and

''(3) recommend to Congress and the President actions to minimize the possibility of future bulk-power system failure.

''(e) COMPENSATION.—(1) Each member of the Board shall be paid at the rate payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of the Board.

''(2) Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.''.

SEC. 104. STUDY ON RELIABILITY OF UNITED STATES ELECTRICITY GRID.

(a) STUDY ON RELIABILITY.—Not later than 45 days after the date of enactment of this Act, the Secretary of Energy shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study on the reliability of the

United States electricity grid to examine the effectiveness of the current United States electricity transmission and distribution system at providing efficient, secure, and affordable power to United States consumers.

(b) CONTENTS.—The study shall include an analysis of—

(1) the vulnerability of the transmission and distribution system to disruption by natural, mechanical or human causes including sabotage;

(2) the most efficient and cost-effective solutions for dealing with vulnerabilities or other problems of the electricity transmission and distribution system of the United States, including a comparison of investments in—

(A) efficiency;

(B) distributed generation;

(C) technical advances in software and other devices to improve the efficiency and reliability of the grid;

(D) new power line construction; and

(E) any other relevant matters.

(c) REPORT.—The contract shall provide that, not later than 180 days after the date of execution of the contract, the National Academy of Sciences shall submit to the President and Congress a report that details the findings and recommendations of the study.

TITLE II—EFFICIENCY

SEC. 201. SYSTEM BENEFITS FUND.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BOARD.—The term ''Board'' means the System Benefits Trust Fund Board established under subsection (b).

(3) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(4) FARM SYSTEM.—The term ''farm system'' means an electric generating facility that generates electric energy from the anaerobic digestion of agricultural waste produced by farming that is located on the farm where substantially all of the waste used is produced.

(5) FUND.—The term ''Fund'' means the System Benefits Trust Fund established under subsection (c).

(6) RENEWABLE ENERGY.—The term ''renewable energy'' means electricity generated from wind, ocean energy, organic waste (excluding incinerated municipal solid waste), biomass (including anaerobic digestion from farm systems and landfill gas recovery) or a geothermal, solar thermal, or photovoltaic source.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) BOARD.—

(1) ESTABLISHMENT.—The Secretary shall establish a System Benefits Trust Fund Board to carry out the functions and responsibilities described in this section.

(2) MEMBERSHIP.—The Board shall be composed of—

(A) 1 representative of the Federal Energy Regulatory Commission appointed by the Federal Energy Regulatory Commission;

(B) 2 representatives of the Secretary of Energy appointed by the Secretary;

(C) 2 persons nominated by the National Association of Regulatory Utility Commissioners and appointed by the Secretary;

(D) 1 person nominated by the National Association of State Utility Consumer Advocates and appointed by the Secretary;

(E) 1 person nominated by the National Association of State Energy Officials and appointed by the Secretary;

(F) 1 person nominated by the National Energy Assistance Directors' Association and appointed by the Secretary; and

(G) 1 representative of the Environmental Protection Agency appointed by the Administrator.

(3) CHAIRPERSON.—The Secretary shall select a member of the Board to serve as Chairperson of the Board.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Board shall establish an account or accounts at 1 or more financial institutions, which account or accounts shall—

(A) be known as the ''System Benefits Trust Fund''; and

(B) consist of amounts deposited in the Fund under subsection (e).

(2) STATUS OF FUND.—The wires charges collected under subsection (e) and deposited in the Fund—

(A) shall not constitute funds of the United States;

(B) shall be held in trust by the Board solely for the purposes stated in subsection (d); and

(C) shall not be available to meet any obligations of the United States.

(d) USE OF FUND.—

(1) FUNDING OF STATE PROGRAMS.—Amounts in the Fund shall be used by the Board to provide matching funds to States and Indian tribes for the support of State or tribal public benefits programs relating to—

(A) energy conservation and efficiency;

(B) renewable energy sources;

(C) assisting low-income households in meeting their home energy needs; or

(D) research and development in areas described in subparagraphs (A) through (C).

(2) DISTRIBUTION.—

(A) IN GENERAL.—Except for amounts needed to pay costs of the Board in carrying out its duties under this section, the Board shall distribute all amounts in the Fund to States or Indian tribes to fund public benefits programs under paragraph (1).

(B) FUND SHARE.—

(i) IN GENERAL.—Subject to clause (iii), the Fund share of a public benefits program funded under paragraph (1) shall be 50 percent.

(ii) PROPORTIONATE REDUCTION.—To the extent that the amount of matching funds requested by States and Indian tribes exceeds the maximum projected revenues of the Fund, the matching funds distributed to each State and Indian tribe shall be reduced by an amount equal to the proportion that the annual consumption of electricity of the State or Indian tribe bears to the annual consumption of electricity of all States and Indian tribes.

(iii) ADDITIONAL STATE OR INDIAN TRIBE FUNDING.—A State or Indian tribe may apply funds to public benefits programs in addition to the amount of funds applied for the purpose of matching the Fund share.

(3) PROGRAM CRITERIA.—The Board shall recommend eligibility criteria for public benefits programs funded under this section for approval by the Secretary.

(4) APPLICATION.—Not later than August 1 of each year beginning in 2006, a State or Indian tribe seeking matching funds for the following fiscal year shall file with the Board, in such form as the Board may require, an application—

(A) certifying that the funds will be used for an eligible public benefits program;

(B) stating the amount of State or Indian tribe funds earmarked for the program; and

(C) summarizing how amounts from the Fund from the previous calendar year (if any) were spent by the State and what the State accomplished as a result of the expenditures.

(e) WIRES CHARGE.—

(1) DETERMINATION OF NEEDED FUNDING.—Not later than September 1 of each year, the Board shall determine and inform the Commission of the aggregate amount of wires charges that will be necessary to be paid into the Fund to pay matching funds to States and Indian tribes and pay the operating costs of the Board in the following fiscal year.

(2) IMPOSITION OF WIRES CHARGE.—

(A) IN GENERAL.—Not later than December 15 of each year, the Commission shall impose a nonbypassable, competitively neutral wires charge, to be paid directly into the Fund by the operator of the wire, on electricity carried through the wire (measured as the electricity exits at the busbar at a generation facility, or, for electricity generated outside the United States, at the point of delivery to the wire operator's system) in interstate commerce.

(B) AMOUNT.—The wires charge shall be set at a rate equal to the lesser of—

(i) 1.0 mills per kilowatt hour; or

(ii) a rate that is estimated to result in the collection of an amount of wires charges that is, to the maximum extent practicable, equal to the amount of needed funding determined under paragraph (1).

(3) DEPOSIT IN THE FUND.—The wires charge shall be paid by the operator of the wire directly into the Fund at the end of each month during the calendar year for distribution by the Board under subsection (c).

(4) PENALTIES.—The Commission may assess against a wire operator that fails to pay a wires charge as required by this subsection a civil penalty in an amount equal to not more than the amount of the unpaid wires charge.

(f) AUDITING.—

(1) IN GENERAL.—The Fund shall be audited annually by a firm of independent certified public accountants in accordance with generally accepted auditing standards.

(2) ACCESS TO RECORDS.—Representatives of the Secretary and the Commission shall have access to all books, accounts, reports, files, and other records pertaining to the Fund as necessary to facilitate and verify the audit.

(3) REPORTS.—

(A) IN GENERAL.—A report on each audit shall be submitted to the Secretary, the Commission, and the Secretary of the Treasury, who shall submit the report to the President and Congress not later than 180 days after the end of the fiscal year.

(B) REQUIREMENTS.—An audit report shall—

(i) set forth the scope of the audit; and

(ii) include—

(I) a statement of assets and liabilities, capital, and surplus or deficit;

(II) a surplus of deficit analysis;

(III) a statement of income and expenses;

(IV) any other information that may be considered necessary to keep the President and Congress informed of the operations and financial condition of the Fund; and

(V) any recommendations with respect to the Fund that the Secretary or the Commission may have.

SEC. 202. ELECTRICITY EFFICIENCY PERFORMANCE STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621 note) is amended by adding at the end the following:

''SEC. 609. FEDERAL ELECTRICITY EFFICIENCY PERFORMANCE STANDARD.

''(a) IN GENERAL.—Each electric retail supplier shall implement energy efficiency and load reduction programs and measures to achieve verified improvements in energy efficiency and peak load reduction in retail customer facilities and the distribution systems that serve those facilities.

''(b) POWER SAVINGS.—The programs and measures under subsection (a) shall produce savings in total peak power demand and total electricity use by retail customers by an amount that is equal to or greater than

the following percentages relative to the peak demand and electricity used in that year by the retail electric supplier's customers:

	Reduction in demand	Reduction in use
In calendar year 2006	1%	.75%
In calendar year 2007	2%	1.5%
In calendar year 2009	4%	3.0%
In calendar year 2011	6%	4.5%
In calendar year 2013	8%	6.0%
In calendar year 2015	10%	7.5%

''(c) BEGINNING DATE.—For purposes of this section, savings shall be counted only for measures installed after January 1, 2006.

''(d) RULEMAKING.—(1) Not later than June 30, 2005, the Secretary shall establish, by rule—

''(A) procedures and standards for counting and independently verifying energy and demand savings for purposes of enforcing the energy efficiency performance standards imposed by this section; and

''(B) procedures and a schedule for reporting findings to the Department of Energy and for making the reports available to the public.

''(2) In developing the procedures, standards, and schedule under paragraph (1), the Secretary shall consult with—

''(A) the association representing public utility regulators in the United States; and

''(B) the association representing the State energy officials in the United States.

''(e) REPORTING.—(1) Not later than June 30, 2008, and every 2 years thereafter, each retail electric supplier shall file with the State public utilities commission in each State in which the supplier provides service to retail customers a report demonstrating that the retail electric supplier has taken action to comply with the energy efficiency performance standards of this section.

''(2) A report filed under paragraph (1) shall include independent verification of the estimated savings pursuant to standards established by the Secretary.

''(3)(A) A State public utilities commission may—

''(i) accept a report as filed under paragraph (1); or

''(ii) review and investigate the accuracy of the report.

''(B) Each State public utilities commission shall—

''(i) make findings on any deficiencies relating to the requirements under section 2; and

''(ii) issue a remedial order for the correction of any deficiencies that are found.

''(f) UTILITIES OUTSIDE STATE JURISDICTION.—(1) An electric retail supplier that is not subject to the jurisdiction of a State public utilities commission shall submit reports in accordance with subsection (e) to the governing body of the electric retail supplier.

''(2) A report submitted under paragraph (1) shall include independent verification of the estimated savings pursuant to standards established by the Secretary.

''(g) PROGRAM PARTICIPATION.—(1) An electric retail supplier may demonstrate satisfaction of the standard under this section, in whole or part, by savings achieved through participation in statewide, regional, or national programs that can be demonstrated to significantly improve the efficiency of electric distribution and use.

''(2) Verified efficiency savings resulting from programs described in paragraph (1) may be assigned to each participating retail supplier based upon the degree of participation of the supplier in the programs.

''(3) An electric retail supplier may purchase rights to extra savings achieved by other electric retail suppliers if the selling supplier or another electric retail supplier does not also take credit for those savings.

''(h) REMEDIES FOR FAILURE TO COMPLY.—(1) In the event that any retail electric supplier fails to achieve its energy savings or load reduction target for a specific year, any aggrieved party may bring a civil action or file an administrative claim to seek prompt remedial action before a State public utilities commission (or, in the case of an electric retail supplier not subject to State public utility commission jurisdiction, before an appropriate governing body).

''(2)(A) The State public utilities commission or other appropriate governing body shall have a maximum of 1 year to craft a remedy for a civil action or claim filed under paragraph (1).

''(B) If a State public utilities commission or other governing body certifies that the commission or body has inadequate resources or authority to promptly resolve enforcement actions under this section, or fails to take action within the time period specified in subparagraph (A), the commission or body or an aggrieved party may seek enforcement in Federal district court.

''(3)(A) If a commission or court determines that energy savings or load reduction targets for a specific year have not been achieved by a retail electric supplier under this section, the commission or court shall—

''(i) determine the amount of the deficit; and

''(ii) fashion an equitable remedy to restore the lost savings as soon as practicable.

''(B) A remedy under subparagraph (A)(ii) may include—

''(i) a refund to retail electric customers of an amount equal to the retail cost of the electricity consumed due to the failure to reach the target; and

''(ii) the appointment of a special master to administer a bidding system to procure the energy and demand savings equal to 125 percent of the deficit.''.

SEC. 203. APPLIANCE EFFICIENCY.

Section 325(d)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)(3)) is amended by striking subparagraph (B) and inserting the following:

''(B) Not later than January 1, 2009, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. The rule shall address both system annual energy use and peak electric demand and may include more than 1 efficiency descriptor. The rule shall apply to products manufactured on or after January 1, 2012.''.

SEC. 204. LOAN GUARANTEES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ACTIVITY.—The term ''eligible activity'' means—

(A) advanced technologies for high-efficiency electricity transmission control and operation, including high-efficiency power electronics technologies (including software-controlled computer chips and sensors to diagnose trouble spots and re-route power into appropriate areas), high-efficiency electricity storage systems, and high-efficiency transmission wire or transmission cable system;

(B) distributed generation systems fueled solely by—

(i) solar, wind, biomass, geothermal, or ocean energy;

(ii) landfill gas;

(iii) natural gas systems utilizing best available control technology;

(iv) fuel cells; or

(v) any combination of the above;

(C) combined heat and power systems; and

(D) energy efficiency systems producing demonstrable electricity savings.

(2) QUALIFYING ENTITY.—The term ''qualifying entity'' means an individual, corporation, partnership, joint venture, trust or other entity identified by the Secretary under subsection (d)(1) as eligible for a guaranteed loan under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) AUTHORITY.—The Secretary may guarantee not more than 50 percent of the principal of any loan made to a qualifying entity for eligible activities under this section.

(c) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not guarantee a loan under this section unless—

(A) the guarantee is a qualifying entity;

(B) the guarantee has filed an application with the Secretary;

(C) the project, activity, program, or system for which the loan is made is an eligible activity; and

(D) the project, activity, program, or system for which the loan is made will significantly enhance the reliability, security, efficiency, and cost-effectiveness of electricity generation, transmission or distribution.

(2) PRIORITY.—The Secretary shall give priority to guaranteed loans under this section for eligible activities that accomplish the objectives of this section in the most environmentally beneficial manner.

(3) ELIGIBLE FINANCIAL INSTITUTIONS.—A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(d) RULES.—Not later than 1 year after the date of enactment of this section, the Secretary shall publish a final rule establishing guidelines for loan requirements under this section, including establishment of—

(1) criteria for determining which entities shall be considered qualifying entities eligible for loan guarantees under this section;

(2) criteria for determining which projects, activities, programs, or systems shall be considered eligible activities eligible for loan guarantees in accordance with the purposes of this section;

(3) loan requirements including term, maximum size, collateral requirements; and

(4) any other relevant features.

(e) LIMITATION ON SIZE.—The Secretary may make commitments to guarantee loans under this section only to the extent that the total principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to cover the cost of loan guarantees (as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2. U.S.C. 661a(5))) under this section.

TITLE III—ONSITE GENERATION

SEC. 301. NET METERING.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(11) NET METERING.—

''(A) IN GENERAL.—Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

''(B) REFERENCES.—For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of this paragraph.''.

(b) SPECIAL RULES FOR NET METERING.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

''(i) NET METERING.—(1) In this subsection:

''(A) The term 'eligible onsite generating facility' means—

''(i) a facility on the site of a residential electric consumer with a maximum generating capacity of 25 kilowatts or less; or

''(ii) a facility on the site of a commercial electric consumer with a maximum generating capacity of 1,000 kilowatts or less,

that is fueled solely by a renewable energy resource.

''(B) The term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible onsite generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

''(C) The term 'renewable energy resource' means—

''(i) solar, wind, biomass, geothermal, or wave energy;

''(ii) landfill gas;

''(iii) fuel cells; and

''(iv) a combined heat and power system.

''(2) In undertaking the consideration and making the determination concerning net metering established by section 111(d)(11), the following shall apply:

''(A) An electric utility—

''(i) shall charge the owner or operator of an onsite generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

''(ii) shall not charge the owner or operator of an onsite generating facility any additional standby, capacity, interconnection, or other rate or charge.

''(B) An electric utility that sells electric energy to the owner or operator of an onsite generating facility shall measure the quantity of electric energy produced by the onsite facility and the quantity of electricity consumed by the owner or operator of an onsite generating facility during a billing period in accordance with normal metering practices.

''(C) If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the onsite generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

''(D) If the quantity of electric energy supplied by the onsite generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the onsite generating facility during the billing period—

''(i) the electric utility may bill the owner or operator of the onsite generating facility for the appropriate charges for the billing period in accordance with subparagraph (B); and

''(ii) the owner or operator of the onsite generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

''(E) An eligible onsite generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

''(F) The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for onsite generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

''(G) An electric utility must provide net metering services to electric consumers until the cumulative generating capacity of net metering systems equals 1.0 percent of the utility's peak demand during the most recent calendar year.

''(H) Nothing in this subsection precludes a State from imposing additional requirements regarding the amount of net metering available within a State consistent with the requirements of this section.''.

SEC. 302. INTERCONNECTION.

(a) DEFINITIONS.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended—

(1) by striking paragraph 23 and inserting the following:

''(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means any entity (notwithstanding section 201(f)) that owns, controls, or operates an electric power transmission facility that is used for the sale of electric energy.''; and

(2) by adding at the end the following:

''(26) APPROPRIATE REGULATORY AUTHORITY.—The term 'appropriate regulatory authority' means—

''(A) the Commission;

''(B) a State commission;

''(C) a municipality; or

''(D) a cooperative that is self-regulating under State law and is not a public utility.

''(27) GENERATING FACILITY.—The term 'generating facility' means a facility that generates electric energy.

''(28) LOCAL DISTRIBUTION UTILITY.—The term 'local distribution facility' means an entity that owns, controls, or operates an electric power distribution facility that is used for the sale of electric energy.

''(29) NON-FEDERAL REGULATORY AUTHORITY.—The term 'non-Federal regulatory authority' means an appropriate regulatory authority other than the Commission.''.

(b) INTERCONNECTION TO DISTRIBUTION FACILITIES.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) INTERCONNECTION TO DISTRIBUTION FACILITIES.—(1)(A) A local distribution utility shall interconnect a generating facility with the distribution facilities of the local distribution utility if the owner of the generating facility—

''(i) complies with the final rule promulgated under paragraph (2); and

''(ii) pays the costs of the interconnection.

''(B) The costs of the interconnection—

''(i) shall be just and reasonable, and not unduly discriminatory or preferential, as determined by the appropriate regulatory authority; and

''(ii) shall be comparable to the costs charged by the local distribution utility for interconnection by any similarly situated generating facility to the distribution facilities of the local distribution utility.

''(C) The right of a generating facility to interconnect under subparagraph (A) does not relieve the generating facility or the local distribution utility of other Federal, State, or local requirements.

''(2) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall promulgate final rules establishing reasonable and appropriate technical standards for the interconnection of a generating facility with the distribution facilities of a local distribution utility.

''(3)(A) In accordance with subparagraph (B) a local distribution utility shall offer to sell backup power to a generating facility that has interconnected with the local distribution utility to the extent that the local distribution utility—

''(i) is not subject to an order of a non-Federal regulatory authority to provide open access to the distribution facilities of the local distribution utility;

''(ii) has not offered to provide open access to the distribution facilities of the local distribution utility; or

''(iii) does not allow a generating facility to purchase backup power from another entity using the distribution facilities of the local distribution utility.

''(B) A sale of backup power under subparagraph (A) shall be at such a rate, and under such terms and conditions as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

''(C) A local distribution utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

''(D) To the extent backup power is used to serve a new or expanded load on the distribution system, the generating facility shall pay any reasonable cost associated with any transmission, distribution, or generating upgrade required to provide such service.''.

(c) INTERCONNECTION TO TRANSMISSION FACILITIES.—Section 210 of the Federal Power Act (16 U.S.C. 824i) (as amended by subsection (b)) is amended by inserting after subsection (e) the following:

''(f) INTERCONNECTION TO TRANSMISSION FACILITIES.—(1)(A) Notwithstanding subsections (a) and (c), a transmitting utility shall interconnect a generating facility with the transmission facilities of the transmitting utility if the owner of the generating facility—

''(i) complies with the final rules promulgated under paragraph (2); and

''(ii) pays the costs of interconnection.

''(B) Subject to subparagraph (C), the costs of interconnection—

''(i) shall be just and reasonable and not unduly discriminatory or preferential; and

''(ii) shall be comparable to the costs charged by the transmitting utility for interconnection by any similarly situated generating facility to the transmitting facilities of the transmitting utility.

''(C) A non-Federal regulatory authority that is authorized under Federal law to determine the rates for transmission service shall be authorized to determine the costs of any interconnection under this subparagraph.

''(D) The right of a generating facility to interconnect under subparagraph (A) does not relieve the generating facility or the transmitting utility of other Federal, State, or local requirements.

''(2) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall promulgate rules establishing reasonable and appropriate technical standards for the interconnection of a generating facility with the transmission facilities of a transmitting utility.

''(3)(A) In accordance with subparagraph (B), a transmitting utility shall offer to sell backup power to a generating facility that has interconnected with the transmitting utility unless—

''(i) Federal or State law allows a generating facility to purchase backup power from an entity other than the transmitting utility; or

''(ii) a transmitting utility allows a generating facility to purchase backup power from an entity other than the transmitting utility

using the transmission facilities of the transmitting utility and the transmission facilities of any other transmitting utility.

''(B) A sale of backup power under subparagraph (A) shall be at such a rate and under such terms and conditions as are just and reasonable and not unduly discriminatory or preferential, taking into account the actual incremental cost, whenever incurred by the local distribution utility, to supply such backup power service during the period in which the backup power service is provided, as determined by the appropriate regulatory authority.

''(C) A transmitting utility shall not be required to offer backup power for resale to any entity other than the entity for which the backup power is purchased.

''(D) To the extent backup power is used to serve a new or expanded load on the transmission system, the generating facility shall pay any reasonable costs associated with any transmission, distribution, or generation upgrade required to provide the service.''.

(d) CONFORMING AMENDMENTS.—Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''transmitting utility, local distribution utility,'' after ''electric utility,''; and

(B) in subparagraph (A), by inserting ''any transmitting utility,'' after ''small power production facility,'';

(2) in subsection (b)(2), by striking ''an evidentiary hearing'' and inserting ''a hearing'';

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(D) promote competition in electricity markets, and''; and

(4) in subsection (d), by striking the last sentence.

SEC. 303. ONSITE GENERATION FOR EMERGENCY FACILITIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE FACILITY.—The term ''eligible facility'' means a building owned or operated by a State or local government that is used for—

(A) critical governmental dispatch and communication;

(B) police, fire, or emergency services;

(C) traffic control systems; or

(D) public water or sewer systems.

(2) RENEWABLE UNINTERRUPTIBLE POWER SUPPLY SYSTEM.—The term ''renewable uninterruptible power supply system'' means a system designed to maintain electrical power to critical loads in a public facility in the event of a loss or disruption in conventional grid electricity, where such system derives its energy production or storage capacity solely from—

(A) solar, wind, biomass, geothermal, or ocean energy;

(B) natural gas;

(C) landfill gas;

(D) a fuel cell device; or

(E) a combination of energy described in subparagraphs (A) through (D).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) DEMONSTRATION AND TECHNOLOGY TRANSFER PROGRAM.—The Secretary shall establish a demonstration program for the implementation of innovative technologies for renewable uninterruptible power supply systems located in eligible buildings and for the dissemination of information on those systems to interested parties.

(c) LIMIT ON FEDERAL FUNDING.—The Secretary shall provide not more than 40 percent of the costs of projects funded under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2006 through 2009.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. REED, Mr. KERRY, Mr. DODD, Mrs. BOXER, and Mr. LAUTENBERG):

S. 427. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for a Federal renewable portfolio standard; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Renewable Energy Investment Act of 2005 to accelerate the use of clean, domestic renewable energy sources as an integral part of our Nation's electrical generation.

A recent episode of the television show, West Wing, portrayed renewable energy as science fiction. The truth is closer to Reality TV.

Eighteen States, plus the District of Columbia, have already instituted minimum renewable standards. This bill would establish a national renewable portfolio standard requiring that, by the year 2020, 20 percent of U.S. electricity be derived from clean, domestically produced renewable energy including wind, solar, biomass, geothermal and wave energy.

As the ranking member of the Senate Environment and Public Works Committee, I think obtaining 20 percent of our country's electricity from renewable energy represents the modest end of what we could achieve.

Let me offer five reasons why I believe we need a national commitment to encourage renewable power.

First, renewable power would help consumers by reducing electricity prices. According to data provided by the Bush administration's Energy Department, a 20 percent renewables requirement similar to that set forth in the bill I am introducing today would lower consumer energy costs by the year 2020. Why? Because adding additional renewables to our energy mix will decrease the pressure on natural gas supplies, bringing overall costs down.

This point is worth repeating. Despite concerns from those in the fossil fuel and nuclear industries, the Department of Energy has consistently found that a mandatory renewable portfolio standard would not raise overall energy costs and would have no significant adverse impact on America's wallets.

Estimates are that reaching 10 percent renewable energy production by the year 2020 could reduce the demand for natural gas by as much as 1.4 trillion cubic feet, and could reduce the price of natural gas by 6 percent. With the higher renewable portfolio standard in my bill, the price reductions are even greater.

I have received letters from the chemical industry expressing deep concern about the high price of natural gas, and imploring me to take steps to help alleviate shortages and reduce costs.

Much to my consternation, however, neither the chemical industry, nor this administration have addressed the obvious link between increasing renewable energy production and easing demand on natural gas supplies. Instead, their solutions have been to open sensitive lands to more drilling, reduce environmental compliance and advance clean coal technologies.

Whatever merits there may be to some of their suggestions, an obvious step that should be taken is diversifying our energy sector and easing the growing demand on natural gas by promoting other clean energies which can be readily produced on American soil.

The second reason for a national commitment to encourage renewable power is the public health and environmental benefits.

Electricity generation is the leading source of U.S. carbon emissions, accounting for over 40 percent of the total. Carbon dioxide emissions are the primary greenhouse gas, contributing to harmful climate change. A 20 percent renewables requirement would, according to the U.S. Department of Energy, reduce carbon emissions from power plants by up to 18 percent by the year 2020.

A 20 percent renewables requirement would also significantly reduce emissions of sulfur and nitrogen oxides. These pollutants contaminate our water, cause smog and acid rain, and contribute to respiratory illnesses. As a result, a renewable portfolio standard would help alleviate asthma, which has become the most common chronic disease for children.

Coal burning electric power plants are also the largest source of mercury pollution, releasing an estimated 98,000 pounds of mercury directly into the air, and generating an additional 80,000 pounds a year in mercury tainted waste. A renewable portfolio standard would help the estimated five million women and children regularly exposed to mercury at levels that EPA considers unsafe.

And according to the Department of Energy, these public health benefits would be achieved without raising consumer energy costs.

Third, a 20 percent renewable portfolio standard would enhance our national security by diversifying our energy supply. As we increase our reliance on natural gas, much of the demand may have to be met by liquified natural gas shipped to the U.S. from other countries. It is unthinkable that we should sink to greater reliance on foreign fuel imports when we have abundant, inexhaustible renewable energy right here.

Further, much of the U.S. energy system including power plants, refineries, and pipelines, present significant safety and security risks. Renewable energy facilities are generally smaller, more geographically dispersed and do

not involve disposal or transportation of radioactive or combustible materials.

A 20 percent renewable portfolio standard such as I offer today will help bring the costs of on-site generation down even further, making providing your own electricity a reality for a growing number of homes and facilities. In these times when we worry about the potential security of our energy grid, that option becomes increasingly attractive.

Fourth, a national renewable portfolio standard builds on the successful experiments by the States. To date, 18 States, plus the District of Columbia, have adopted mandatory renewable energy standards. These State programs provide excellent incentives for renewable energy. In September 2004, New York created the second-largest new renewable energy market in the country, behind only California, when the state Public Service Commission adopted a standard of 24 percent by 2013. Earlier in 2004, Hawaii, Maryland, and Rhode Island also enacted minimum renewable electricity standards.

Texas has one of the most successful state programs. The Texas Renewable portfolio standard was signed into law by then Governor George W. Bush, and administered by Pat Wood, who now chairs the Federal Energy Regulatory Commission. These men know the value of renewable energy. Texas now has enough wind power to run about 300,000 homes a year, with huge benefits to ranchers who can lease acreage for wind turbines.

However, as good as these State efforts are, they are subject to the inherent limitation that they can only address electricity sales and production within their own State boundaries. Yet as we know, electricity generation and transmission are regional in nature. State renewable requirements alone cannot provide the market and other mechanisms necessary to address regional and national electricity transmission.

But these State programs demonstrate that renewables requirements can work, and operate to the benefit of consumers.

Finally, I call for a national commitment to encourage renewable power because a cleaner energy future is in our grasp. The U.S. has the technical capacity to generate 4.5 times its current electricity needs from renewable energy resources. European investment continues to outstrip U.S. markets, but that is changing. Worldwide, approximately 6,500 megawatts of new wind energy generating capacity were installed, amounting to annual sales of about $7 billion. Almost a third of that came from the United States, which installed nearly 1,700 megawatts of new wind energy in 2001, or $1.7 billion worth of new wind energy generating capacity.

Yet, renewable energy still accounts for only a little over 2 percent of U.S. electricity generation.

It is not that we expect this renewable portfolio standard to make conventional energy sources obsolete. Undoubtedly, fossil, nuclear and other fuels will be with us for some time. But isn't it time that we charted our future with cleaner energies? The potential is there, but we have to give it the assistance of market incentives, as we have traditionally done for our more established fuel sources.

I urge my colleagues to again demonstrate our strong commitment to renewables and support my legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Renewable Energy Investment Act of 2005''.

SEC. 2. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) organic material from a plant that is planted for the purpose of being used to produce energy;

''(ii) nonhazardous, cellulosic or agricultural waste material that is segregated from other waste materials and is derived from—

''(I) a forest-related resource, including—

''(aa) mill and harvesting residue;

''(bb) precommercial thinnings;

''(cc) slash; and

''(dd) brush;

''(II) agricultural resources, including—

''(aa) orchard tree crops;

''(bb) vineyards;

''(cc) grains;

''(dd) legumes;

''(ee) sugar; and

''(ff) other crop by-products or residues; or

''(III) miscellaneous waste such as—

''(aa) waste pallet;

''(bb) crate; and

''(cc) landscape or right-of-way tree trimmings; and

''(iii) animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

''(B) EXCLUSIONS.—The term 'biomass' shall not include—

''(i) municipal solid waste that is incinerated;

''(ii) recyclable post-consumer waste paper;

''(iii) painted, treated, or pressurized wood;

''(iv) wood contaminated with plastics or metals; or

''(v) tires.

''(2) DISTRIBUTED GENERATION.—The term 'distributed generation' means reduced electricity consumption from the electric grid due to use by a customer of renewable energy generated at a customer site.

''(3) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation achieved from increased efficiency after January 1, 2005, at a hydroelectric dam that was placed in service before January 1, 2005.

''(4) LANDFILL GAS.—The term 'landfill gas' means gas generated from the decomposition of household solid waste, commercial solid waste, and industrial solid waste disposed of in a municipal solid waste landfill unit (as those terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).

''(5) RENEWABLE ENERGY.—The term 'renewable energy' means electricity generated from

''(A) a renewable energy source; or

''(B) hydrogen that is produced from a renewable energy source.

''(6) RENEWABLE ENERGY SOURCE.—The term 'renewable energy source' means—

''(A) wind;

''(B) ocean waves;

''(C) biomass;

''(D) solar;

''(E) landfill gas;

''(F) incremental hydropower; or

''(G) geothermal.

''(7) RETAIL ELECTRIC SUPPLIER.—The term 'retail electric supplier' means a person or entity that sells retail electricity to consumers, and which sold not less than 500,000 megawatt-hours of electric energy to consumers for purposes other than resale during the preceding calendar year.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) RENEWABLE ENERGY REQUIREMENTS.—

''(1) IN GENERAL.—For each calendar year beginning in Calendar year 2006, each retail electric supplier shall submit to the Secretary, not later than April 30 of each year, renewable energy credits in an amount equal to the required annual percentage of the retail electric supplier's total amount of kilowatt-hours of non-hydropower (excluding incremental hydropower) electricity sold to retail consumers during the previous calendar year.

''(2) CARRYOVER.—A renewable energy credit for any year that is not used to satisfy the minimum requirement for that year may be carried over for use within the next two years.

''(c) REQUIRED ANNUAL PERCENTAGE.—Of the total amount of non-hydropower (excluding incremental hydropower) electricity sold by each retail electric supplier during a calendar year, the amount generated by renewable energy sources shall be not less than the percentage specified below:

''Calendar years:	Percentage of Renewable energy Each year:
2006–2009	5
2010–2014	10
2015–2019	15
2020 and subsequent years	20

''(d) SUBMISSION OF RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—To meet the requirements under subsection (b), a retail electric supplier shall submit to the Secretary either—

''(A) renewable energy credits issued to the retail electric supplier under subsection (f);

''(B) renewable energy credits obtained by purchase or exchange under subsection (g);

''(C) renewable energy credits purchased from the United States under subsection (h); or

''(D) any combination of credits under subsections (f), (g) or (h).

''(2) PROHIBITION ON DOUBLE COUNTING.—A credit may be counted toward compliance with subsection (b) only once.

''(e) RENEWABLE ENERGY CREDIT PROGRAM.—The Secretary shall establish, not later than 1 year after the date of enactment of this Act, a program to issue, monitor the sale or exchange of, and track, renewable energy credits.

''(f) ISSUANCE OF RENEWABLE ENERGY CREDITS.—

''(1) IN GENERAL.—Under the program established in subsection (e), an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

''(2) APPLICATION.—An application for the issuance of renewable energy credits shall indicate—

''(A) the type of renewable energy resource used to produce the electric energy;

''(B) the State in which the electric energy was produced; and

''(C) any other information the Secretary determines appropriate.

''(3) CREDIT VALUE.—Except as provided in subparagraph (4), the Secretary shall issue to an entity applying under this subsection 1 renewable energy credit for each kilowatt-hour of renewable energy generated in any State from the date of enactment of this Act and in each subsequent calendar year.

''(4) CREDIT VALUE FOR DISTRIBUTED GENERATION.—The Secretary shall issue 3 renewable energy credits for each kilowatt-hour of distributed generation.

''(5) VESTING.—A renewable energy credit will vest with the owner of the system or facility that generates the renewable energy unless such owner explicitly transfers the credit.

''(6) CREDIT ELIGIBILITY.—To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource shall be sold for retail consumption or used by the generator. If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used.

''(7) IDENTIFYING CREDITS.—The Secretary shall identify renewable energy credits by the type and date of generation.

''(8) SALE UNDER PURPA CONTRACT.—When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier is treated as the generator of the electric energy for the purposes of this Act for the duration of the contract.

''(g) SALE OR EXCHANGE OF RENEWABLE ENERGY CREDITS.—A renewable energy credit may be sold or exchanged by the entity issued the renewable energy credit or by any other entity that acquires the renewable energy credit. Credits may be sold or exchanged in any manner not in conflict with existing law, including on the spot market or by contractual arrangements of any duration.

''(h) PURCHASE FROM THE UNITED STATES.—The Secretary shall offer renewable energy credits for sale at the lesser of three cents per kilowatt-hour or 110 percent of the average market value of credits for the applicable compliance period. On January 1 of each year following calendar year 2006, the Secretary shall adjust for inflation the price charged per credit for such calendar year.

''(i) STATE PROGRAMS.—Nothing in this section shall preclude any State from requiring additional renewable energy generation in the State under any renewable energy program conducted by the State.

''(j) CONSUMER ALLOCATION.—The rates charged to classes of consumers by a retail electric supplier shall reflect a proportional percentage of the cost of generating or acquiring the required annual percentage of renewable energy under subsection (b). A retail electric supplier shall not represent to any customer or prospective customer that any product contains more than the percentage of eligible resources if the additional amount of eligible resources is being used to satisfy the renewable generation requirement under subsection (b).

''(k) ENFORCEMENT.—A retail electric supplier that does not submit renewable energy credits as required under subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of renewable energy credits not submitted, multiplied by the lesser of 4.5 cents or 300 percent of the average market value of credits for the compliance period.

''(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section;

''(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary; and

''(3) the quantity of electricity sales of all retail electric suppliers.

''(m) VOLUNTARY PARTICIPATION.—The Secretary may issue a renewable energy credit pursuant to subsection (f) to any entity not subject to the requirements of this Act only if the entity applying for such credit meets the terms and conditions of this Act to the same extent as entities subject to this Act.

''(n) STATE RENEWABLE ENERGY GRANT PROGRAM.—

''(1) DISTRIBUTION TO STATES.—The Secretary shall distribute amounts received from sales under subsection (h) and from amounts received under subsection (k) to States to be used for the purposes of this section.

''(2) REGIONAL EQUITY PROGRAM.—

''(A) ESTABLISHMENT OF PROGRAM.—Within 1 year from the date of enactment of this Act, the Secretary shall establish a program to promote renewable energy production and use consistent with the purposes of this section.

''(B) ELIGIBILITY.—The Secretary shall make funds available under this section to State energy agencies for grant programs for—

''(i) renewable energy research and development;

''(ii) loan guarantees to encourage construction of renewable energy facilities;

''(iii) consumer rebate or other programs to offset costs of small residential or small commercial renewable energy systems including solar hot water; or

''(iv) promoting distributed generation.

''(3) ALLOCATION PREFERENCES.—In allocating funds under the program, the Secretary shall give preference to—

''(A) States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) State grant programs most likely to stimulate or enhance innovative renewable energy technologies.''.

By Mr. TALENT (for himself, Mr. WYDEN, Mr. ALLEN, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DAYTON, Mrs. DOLE, Mr. GRAHAM, and Mr. VITTER):

S. 428. A bill to provide $30,000,000,000 in new transportation infrastructure funding in addition to TEA–21 levels through bonding to empower States and local governments to complete significant long-term capital improvement projects for highways, public transportation systems, and rail systems, and for other purposes; to the Committee on Finance.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Build America Bonds Act of 2005''.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Our Nation's highways, public transportation systems, and rail systems drive our economy, enabling all industries to achieve growth and productivity that makes America strong and prosperous.

(2) The establishment, maintenance, and improvement of the national transportation network is a national priority, for economic, environmental, energy, security, and other reasons.

(3) The ability to move people and goods is critical to maintaining State, metropolitan, rural, and local economies.

(4) The construction of infrastructure requires the skills of numerous occupations, including those in the contracting, engineering, planning and design, materials supply, manufacturing, distribution, and safety industries.

(5) Investing in transportation infrastructure creates long-term capital assets for the Nation that will help the United States address its enormous infrastructure needs and improve its economic productivity.

(6) Investment in transportation infrastructure creates jobs and spurs economic activity to put people back to work and stimulate the economy.

(7) Every billion dollars in transportation investment has the potential to create up to 47,500 jobs.

(8) Every dollar invested in the Nation's transportation infrastructure yields at least $5.70 in economic benefits because of reduced delays, improved safety, and reduced vehicle operating costs.

(9) The proposed increases to the Transportation Equity Act for the 21st Century (TEA–21) will not be sufficient to compensate for the Nation's transportation infrastructure deficit.

(b) PURPOSE.—The purpose of this Act is to provide financing for long-term infrastructure capital investments that are not currently being met by existing transportation and infrastructure investment programs, including mega-projects, projects of national significance, multistate transportation corridors, intermodal transportation facilities, and transportation and security improvements to highways, public transportation systems, and rail systems.

SEC. 3. CREDIT TO HOLDERS OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart H—Nonrefundable Credit for Holders of Build America Bonds

''Sec. 54. Credit to holders of Build America bonds.

"SEC. 54. CREDIT TO HOLDERS OF BUILD AMERICA BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a Build America bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a Build America bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any Build America bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(e) BUILD AMERICA BOND.—For purposes of this part, the term 'Build America bond' means any bond issued as part of an issue if—

''(1) the net spendable proceeds from the sale of such issue are to be used—

''(A) for expenditures incurred after the date of the enactment of this section for any qualified project, or

''(B) for deposit in the Build America Trust Account for repayment of Build America bonds at maturity,

''(2) the bond is issued by the Transportation Finance Corporation, is in registered form, and meets the Build America bond limitation requirements under subsection (g),

''(3) the Transportation Finance Corporation certifies that it meets the State contribution requirement of subsection (k) with respect to such project, as in effect on the date of issuance,

''(4) the Transportation Finance Corporation certifies that the State in which an approved qualified project is located meets the requirement described in subsection (l),

''(5) except for bonds issued in accordance with subsection (g)(6), the term of each bond which is part of such issue does not exceed 30 years,

''(6) the payment of principal with respect to such bond is the obligation of the Transportation Finance Corporation, and

''(7) with respect to bonds described in paragraph (1)(A), the issue meets the requirements of subsection (h) (relating to arbitrage).

''(f) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified project' means any—

''(A) qualified highway project, and

''(B) qualified public transportation project,

proposed by 1 or more States and approved by the Transportation Finance Corporation.

''(2) QUALIFIED HIGHWAY PROJECT.—

''(A) IN GENERAL.—The term 'qualified highway project' means any—

''(i) project of regional or national significance,

''(ii) multistate corridor program,

''(iii) border planning, operations, technology, and capacity improvement program, and

''(iv) freight intermodal connector project.

''(B) PROJECTS OF REGIONAL AND NATIONAL SIGNIFICANCE.—

''(i) IN GENERAL.—The term 'project of regional or national significance' means the eligible project costs of any surface transportation project which is eligible for Federal assistance under title 23, United States Code, including any freight rail project and activity eligible under such title, if such eligible project costs are reasonably anticipated to equal or exceed the lesser of—

''(I) $100,000,000, or

''(II) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

''(ii) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the costs of—

''(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities, and

''(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

''(iii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation may approve a project of regional or national significance only if the Corporation determines that the project is based on the results of preliminary engineering, and is justified based on the project's ability—

''(I) to generate national or regional economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product,

''(II) to reduce congestion, including impacts in the State, region, and Nation,

''(III) to improve transportation safety, including reducing transportation accidents, injuries, and fatalities, and

''(IV) to otherwise enhance the national transportation system.

''(C) MULTISTATE CORRIDOR PROGRAM.—

''(i) IN GENERAL.—The term 'multistate corridor program' means any program for multistate highway and multimodal planning studies and construction.

''(ii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation shall consider in approving any multistate corridor program—

''(I) the existence and significance of signed and binding multijurisdictional agreements,

''(II) prospects for early completion of the program, or

''(III) whether the projects under such program to be studied or constructed are located on corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032).

''(D) BORDER PLANNING, OPERATIONS, TECHNOLOGY, AND CAPACITY IMPROVEMENT PROGRAM.—

''(i) IN GENERAL.—The term 'border planning, operations, technology, and capacity improvement program' means any program which includes 1 or more eligible activities to support coordination and improvement in bi-national transportation planning, operations, efficiency, information exchange, safety, and security at the international borders of the United States with Canada and Mexico.

''(ii) ELIGIBLE ACTIVITIES.—For purposes of this subparagraph, the term 'eligible activities' means—

''(I) highway and multimodal planning or environmental studies,

''(II) cross-border port of entry and safety inspection improvements, including operational enhancements and technology applications,

''(III) technology and information exchange activities, and

''(IV) right-of-way acquisition, design, and construction, as needed to implement the enhancements or applications described in subclauses (II) and (III), to decrease air pollution emissions from vehicles or inspection facilities at border crossings, or to increase highway capacity at or near international borders.

''(E) FREIGHT INTERMODAL CONNECTOR PROJECT.—

''(i) IN GENERAL.—The term 'freight intermodal connector project' means any project for the construction of and improvements to publicly owned freight intermodal connectors to the National Highway System, the provision of access to such connectors, and operational improvements for such connectors (including capital investment for intelligent transportation systems), except that a project located within the boundaries of an intermodal freight facility shall only include highway infrastructure modifications necessary to facilitate direct intermodal access between the connector and the facility.

''(ii) CRITERIA FOR APPROVAL.—The Transportation Finance Corporation shall consider in approving any freight intermodal connector project the criteria set forth in the report of the Department of Transportation to Congress entitled 'Pulling Together: The NHS and its Connections to Major Intermodal Terminals'.

''(iii) FREIGHT INTERMODAL CONNECTOR.—The term 'freight intermodal connector' means the roadway that connects to an intermodal freight facility that carries or will carry intermodal traffic.

''(iv) INTERMODAL FREIGHT FACILITY.—The term 'intermodal freight facility' means a port, airport, truck-rail terminal, and pipeline-truck terminal.

''(3) QUALIFIED PUBLIC TRANSPORTATION PROJECT.—The term 'qualified public transportation project' means a project for public transportation facilities or other facilities which are eligible for assistance under title 49, United States Code, including intercity passenger rail.

''(g) LIMITATION ON AMOUNT OF BONDS DESIGNATED; ALLOCATION OF BOND PROCEEDS.—

''(1) NATIONAL LIMITATION.—There is a Build America bond limitation for each calendar year. Such limitation is—

''(A) with respect to bonds described in subsection (e)(1)(A)—

''(i) $5,500,000,000 for 2005,

''(ii) $8,000,000,000 for 2006,

''(iii) $8,000,000,000 for 2007,

''(iv) $3,000,000,000 for 2008,

''(v) $3,000,000,000 for 2009,

''(vi) $2,500,000,000 for 2010, and

''(vii) except as provided in paragraph (4), zero thereafter, plus

''(B) with respect to bonds described in subsection (e)(1)(B), such amount each calendar year as determined necessary by the Transportation Finance Corporation to provide funds in the Build America Trust Account for the repayment of Build America bonds at maturity, except that the aggregate amount of such bonds for all calendar years shall not exceed $9,000,000,000,000.

''(2) ALLOCATION OF BONDS FOR HIGHWAY AND PUBLIC TRANSPORTATION PURPOSES.—Except with respect to qualified projects described in subsection (j)(3), and subject to paragraph (3)—

''(A) QUALIFIED HIGHWAY PROJECTS.—From Build America bonds issued under the annual limitation in paragraph (1)(A), the Transportation Finance Corporation shall allocate 80 percent of the net spendable proceeds to the States for qualified highway projects designated by law from recommendations submitted to Congress identifying various projects approved as meeting the criteria required for each such project by the Transportation Finance Corporation.

''(B) QUALIFIED PUBLIC TRANSPORTATION PROJECTS.—From Build America bonds issued under the annual limitation in paragraph (1)(A), the Transportation Finance Corporation shall allocate 20 percent of the net spendable proceeds to the States for qualified public transportation projects designated by law from recommendations submitted to Congress identifying various projects approved as meeting the criteria required for each such project by the Transportation Finance Corporation.

''(3) MINIMUM ALLOCATIONS TO STATES.—In making allocations for each calendar year under paragraph (2), the Transportation Finance Corporation shall ensure that the amount allocated for qualified projects located in each State for such calendar year is not less than ½ percent of the total amount allocated for such year.

''(4) CARRYOVER OF UNUSED ISSUANCE LIMITATION.—If for any calendar year the limitation amount imposed by paragraph (1) exceeds the amount of Build America bonds issued during such year, such excess shall be carried forward to one or more succeeding calendar years as an addition to the limitation imposed by paragraph (1) and until used by issuance of Build America bonds.

''(5) ISSUANCE OF SMALL DENOMINATION BONDS.—From the Build America bond limitation for each year, the Transportation Finance Corporation shall issue a limited quantity of Build America bonds in small denominations suitable for purchase as gifts by individual investors wishing to show their support for investing in America's infrastructure.

''(h) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the Transportation Finance Corporation reasonably expects—

''(A) to spend at least 85 percent of the net spendable proceeds from the sale of the issue for 1 or more qualified projects within the 5-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the net spendable proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 12-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the net spendable proceeds from the sale of the issue.

''(2) SPENT PROCEEDS.—Net spendable proceeds are considered spent by the Transportation Finance Corporation when a sponsor of a qualified project obtains a reimbursement from the Transportation Finance Corporation for eligible project costs.

''(3) RULES REGARDING CONTINUING COMPLIANCE AFTER 5-YEAR DETERMINATION.—If at least 85 percent of the net spendable proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 5-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if the Transportation Finance Corporation uses all unspent net spendable proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 5-year period.

''(4) REALLOCATION.—In the event the recipient of an allocation under subsection (g) fails to demonstrate to the satisfaction of the Transportation Finance Corporation that its actions will allow the Transportation Finance Corporation to meet the requirements under this subsection, the Transportation Finance Corporation may redistribute the allocation meant for such recipient to other recipients.

''(i) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a Build America bond ceases to be such a qualified bond, the Transportation Finance Corporation shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the Transportation Finance Corporation fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(j) BUILD AMERICA TRUST ACCOUNT.—

''(1) IN GENERAL.—The following amounts shall be held in a Build America Trust Account by the Transportation Finance Corporation:

''(A) The proceeds from the sale of all bonds issued under this section.

''(B) The amount of any matching contributions with respect to such bonds.

''(C) The investment earnings on proceeds from the sale of such bonds.

''(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

''(2) USE OF FUNDS.—Amounts in the Build America Trust Account may be used only to pay costs of qualified projects, redeem Build America bonds, and fund the operations of the Transportation Finance Corporation, except that amounts withdrawn from the Build America Trust Account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of Build America bonds described in subsection (e)(1)(A).

''(3) USE OF REMAINING FUNDS IN BUILD AMERICA TRUST ACCOUNT.—Upon the redemption of all Build America bonds issued under this section, any remaining amounts in the Build America Trust Account shall be available to the Transportation Finance Corporation to pay the costs of any qualified project.

''(4) COSTS OF QUALIFIED PROJECTS.—For purposes of this section, the costs of qualified projects which may be funded by amounts in the Build America Trust Account may only relate to capital investments in depreciable assets and may not include any costs relating to operations, maintenance, or rolling stock.

''(5) APPLICABILITY OF FEDERAL LAW.—The requirements of any Federal law, including titles 23, 40, and 49 of the United States Code, which would otherwise apply to projects to which the United States is a party or to funds made available under such law and projects assisted with those funds shall apply to—

''(A) funds made available under the Build America Trust Account for similar qualified projects, including contributions required under subsection (k), and

''(B) similar qualified projects assisted by the Transportation Finance Corporation through the use of such funds.

''(6) INVESTMENT.—It shall be the duty of the Transportation Finance Corporation to invest in investment grade obligations such portion of the Build America Trust Account as is not, in the judgment of the Board of Directors of the Transportation Finance Corporation, required to meet current withdrawals. To the maximum extent practicable, investments should be made in securities that support transportation investment at the State and local level.

''(k) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (e)(3), the State contribution requirement of this subsection is met with respect to any qualified project if the Transportation Finance Corporation has received from 1 or more States, not later than the

date of issuance of the bond, written commitments for matching contributions of not less than 20 percent (or such smaller percentage as determined under title 23, United States Code, for such State) of the cost of the qualified project.

''(2) STATE MATCHING CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

''(l) UTILIZATION OF UPDATED CONSTRUCTION TECHNOLOGY FOR QUALIFIED PROJECTS.—For purposes of subsection (e)(4), the requirement of this subsection is met if the appropriate State agency relating to the qualified project has updated its accepted construction technologies to match a list prescribed by the Secretary of Transportation and in effect on the date of the approval of the project as a qualified project.

''(m) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' shall only include costs of issuance of Build America bonds and operation costs of the Transportation Corporation.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) NET SPENDABLE PROCEEDS.—The term 'net spendable proceeds' means the proceeds from the sale of any Build America bond issued under this section reduced by not more than 5 percent of such proceeds for administrative costs.

''(4) STATE.—The term 'State' shall have the meaning given such term by section 101 of title 23, United States Code.

''(5) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(1)(A), the net spendable proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the Transportation Finance Corporation takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions which may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a Build America bond.

''(6) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(7) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Build America bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(8) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(A) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a Build America bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(B) CERTAIN RULES TO APPLY.—In the case of a separation described in subparagraph (A), the rules of section 1286 shall apply to the Build America bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(9) CREDITS MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit or bond allowed by this section through sale and repurchase agreements.

''(10) REPORTING.—The Transportation Finance Corporation shall submit reports similar to the reports required under section 149(e).

''(11) PROHIBITION ON USE OF HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, no funds derived from the Highway Trust Fund established under section 9503 shall be used to pay costs associated with the Build America bonds issued under this section.''.

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON BUILD AMERICA BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR HOLDERS OF BUILD AMERICA BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a Build America bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(B) CORPORATE.—Subsection (g) of section 6655 (relating to failure by corporation to pay estimated income tax) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR HOLDERS OF BUILD AMERICA BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a Build America bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''SUBPART H. NONREFUNDABLE CREDIT FOR HOLDERS OF BUILD AMERICA BONDS.''.

(2) Section 6401(b)(1) is amended by striking ''and G'' and inserting ''G, and H''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 4. TRANSPORTATION FINANCE CORPORATION.

(a) ESTABLISHMENT AND STATUS.—There is established a body corporate to be known as the ''Transportation Finance Corporation'' (hereafter in this section referred to as the ''Corporation''). The Corporation is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31, United States Code.

(b) PRINCIPAL OFFICE; APPLICATION OF LAWS.—The principal office and place of business of the Corporation shall be in the District of Columbia, and, to the extent consistent with this section, the District of Columbia Business Corporation Act (D.C. Code 29–301 et seq.) shall apply.

(c) FUNCTIONS OF CORPORATION.—The Corporation shall—

(1) issue Build America bonds for the financing of qualified projects as required under section 54 of the Internal Revenue Code of 1986,

(2) establish and operate the Build America Trust Account as required under section 54(j) of such Code,

(3) act as a centralized entity to provide financing for qualified projects,

(4) leverage resources and stimulate public and private investment in transportation infrastructure,

(5) encourage States to create additional opportunities for the financing of transportation infrastructure and to provide technical assistance to States, if needed,

(6) perform any other function the sole purpose of which is to carry out the financing of qualified projects through Build America bonds, and

(7) not later than February 15 of each year submit a report to Congress—

(A) describing the activities of the Corporation for the preceding year, and

(B) specifying whether the amounts deposited and expected to be deposited in the Build America Trust Account are sufficient to fully repay at maturity the principal of any outstanding Build America bonds issued pursuant to such section 54.

(d) POWERS OF CORPORATION.—The Corporation—

(1) may sue and be sued, complain and defend, in its corporate name, in any court of competent jurisdiction,

(2) may adopt, alter, and use a seal, which shall be judicially noticed,

(3) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Corporation,

(4) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation,

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid,

(6) may, as necessary for carrying out the functions of the Corporation, employ and fix the compensation of employees and officers,

(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation,

(8) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this Act, and

(9) shall have such other powers as may be necessary and incident to carrying out this Act.

(e) NONPROFIT ENTITY; RESTRICTION ON USE OF MONEYS; CONFLICT OF INTERESTS; AUDITS.—

(1) NONPROFIT ENTITY.—The Corporation shall be a nonprofit corporation and shall have no capital stock.

(2) RESTRICTION.—No part of the Corporation's revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such

revenue, earnings, or other income or property shall only be used for carrying out the purposes of this Act.

(3) CONFLICT OF INTERESTS.—No director, officer, or employee of the Corporation shall in any manner, directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(4) AUDITS.—

(A) AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(i) IN GENERAL.—The Corporation's financial statements shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants that are certified by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(ii) REPORTING REQUIREMENTS.—The report of each annual audit described in clause (i) shall be included in the annual report required by subsection (c)(8).

(B) RECORD KEEPING REQUIREMENTS.—The Corporation shall ensure that each recipient of assistance from the Corporation keeps—

(i) separate accounts with respect to such assistance,

(ii) such records as may be reasonably necessary to fully disclose—

(I) the amount and the disposition by such recipient of the proceeds of such assistance,

(II) the total cost of the project or undertaking in connection with which such assistance is given or used, and the extent to which such costs are for a qualified project, and

(III) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and

(iii) such other records as will facilitate an effective audit.

(C) AUDIT AND EXAMINATION OF BOOKS.—The Corporation shall ensure that the Corporation, or any of the Corporation's duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance from the Corporation that are pertinent to such assistance.

(f) EXEMPTION FROM TAXES.—

(1) IN GENERAL.—The Corporation, including its franchise, capital, reserves, surplus, sinking funds, mortgages or other security holdings, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

(2) FINANCIAL OBLIGATIONS.—Build America bonds or other obligations issued by the Corporation and the interest on or tax credits with respect to its bonds or other obligations shall not be subject to taxation by any State, county, municipality, or local taxing authority.

(g) ASSISTANCE FOR TRANSPORTATION PURPOSES.—

(1) IN GENERAL.—In order to carry out the corporate functions described in subsection (c), the Corporation shall be eligible to receive discretionary grants, contracts, gifts, contributions, or technical assistance from any Federal department or agency, to the extent permitted by law.

(2) AGREEMENT.—In order to receive any assistance described in this subsection, the Corporation shall enter into an agreement with the Federal department or agency providing such assistance, under which the Corporation agrees—

(A) to use such assistance to provide funding and technical assistance only for activities which the Board of Directors of the Corporation determines are consistent with the corporate functions described in subsection (c), and

(B) to review the activities of State transportation agencies and other entities receiving assistance from the Corporation to assure that the corporate functions described in subsection (c) are carried out.

(3) CONSTRUCTION.—Nothing in this section shall be construed to establish the Corporation as a department, agency, or instrumentality of the United States Government, or to establish the members of the Board of Directors of the Corporation, or the officers and employees of the Corporation, as officers or employees of the United States Government.

(h) MANAGEMENT OF CORPORATION.—

(1) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON AND VICE CHAIRPERSON; APPOINTMENT CONSIDERATIONS; TERM; VACANCIES.—

(A) BOARD OF DIRECTORS.—The management of the Corporation shall be vested in a board of directors composed of 15 members appointed by the President, by and with the advice and consent of the Senate.

(B) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate 1 member of the Board to serve as Chairperson of the Board and 1 member to serve as Vice Chairperson of the Board.

(C) INDIVIDUALS FROM PRIVATE LIFE.—Eleven members of the Board shall be appointed from private life.

(D) FEDERAL OFFICERS AND EMPLOYEES.—Four members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with infrastructure development.

(E) APPOINTMENT CONSIDERATIONS.—All members of the Board shall be appointed on the basis of their understanding of and sensitivity to infrastructure development processes. Members of the Board shall be appointed so that not more than 8 members of the Board are members of any 1 political party.

(F) TERMS.—Members of the Board shall be appointed for terms of 3 years, except that of the members first appointed, as designated by the President at the time of their appointment, 5 shall be appointed for terms of 1 year and 5 shall be appointed for terms of 2 years.

(G) VACANCIES.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of a member's term, the member shall continue to serve until a successor is appointed and is qualified.

(2) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Corporation.

(3) QUORUM.—A majority of the Board shall constitute a quorum.

(4) PRESIDENT OF CORPORATION.—The Board of Directors shall appoint a president of the Corporation on such terms as the Board may determine.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KENNEDY, and Mr. KERRY):

S. 429. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LIEBERMAN. Mr. President, today I introduce legislation that is a first step in giving the Upper Housatonic Valley, a nationally significant area, the acknowledgment and resources it deserves. Designation of the upper Housatonic Valley as a national heritage area will enhance and foster public-private partnerships to educate residents and visitors about the region; improve the area's economy through business investment, job expansion, and tourism; and protect the area's natural and cultural heritage.

The Upper Housatonic Valley is a unique cultural and geographical region that encompasses in the Housatonic River watershed, extending 60 miles from Lanesboro, MA to Kent, CT. The valley has made significant national contributions through literary, artistic, musical, and architectural achievements; as the backdrop for important Revolutionary War era events; as the cradle of the iron, paper, and electrical industries; and as home to key figures and events in the abolitionist and civil rights movements. It includes five National Historic Landmarks and four National Natural Landmarks.

The Upper Housatonic Valley National Heritage Area Act would officially designate the region as part of the National Park Service system. It would also authorize funding for a variety of activities that conserve the significant natural, historical, cultural, and scenic resources, and that provide educational and recreational opportunities in the area. The Upper Housatonic Valley is part of our national identity. Making it a National Heritage Area will preserve and develop the experiences that connect us to our history and heritage as Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Upper Housatonic Valley National Heritage Area Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled ''Upper Housatonic Valley National Heritage Area Feasibility Study, 2003''.

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Upper Housatonic Valley National Heritage Area, established in section 4.

(2) MANAGEMENT ENTITY.—The term ''Management Entity'' means the management entity for the Heritage Area designated by section 4(d).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area specified in section 6.

(4) MAP.—The term ''map'' means the map entitled ''Boundary Map Upper Housatonic Valley National Heritage Area'', numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 4. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut;

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts; and

(4) the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 5. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 6;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this Act to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their political jurisdictions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques including, but not limited to, the development of intergovernmental and interagency cooperative agreements to protect the Heritage Area's natural, historical, cultural, educational, scenic and recreational resources;

(7) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for ways in which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to further the purposes of this Act; and

(9) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this Act.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this Act until such time as the management plan is submitted to and approved by the Secretary.

SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The Secretary may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

SEC. 8. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and,

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this Act.

(b) MATCHING FUNDS.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

SEC. 10. SUNSET.

The authority of the Secretary to provide assistance under this Act shall terminate on the day occurring 15 years after the date of enactment of the Act.

By Ms. CANTWELL:

S. 430. A bill to arrest methamphetamine abuse in the United States; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, today I am introducing legislation to ensure that law enforcement has the resources it needs to address and eventually solve the methamphetamine crisis in this country. My bill is entitled the Arrest Methamphetamine Act of 2005. It would create a new formula-based grant program for States that have enacted sophisticated laws governing the sale of the precursor products used to make meth. My legislation is designed to help communities cope with the myriad problems being caused by meth, and ultimately to stop the growing meth epidemic in its tracks.

Never before has creating a separate program to finance the battle against meth been so critical. I am dismayed to see that the President's fiscal year 2006 budget request mortally wounds the COPS program and that his budget finishes off the already slashed and reconstituted Byrne grants program. These two mechanisms have provided anti-meth funds for years now, and each year, the administration's efforts to undermine the COPS program and the Byrne grants program further jeopardize law enforcement efforts against meth and the many other important law enforcement-related initiatives that these two programs have carried out for so many years. While I plan to work hard with my colleagues to restore funding to the COPS and Byrne programs generally, I do not see that our efforts to save these programs every year from the administration's chopping block is the best way to ensure that necessary financial resources are there for all aspects of the meth fight.

While the administration was busy slashing the $499 million COPS program all the way down to $22 million, the meth problems that the COPS program addresses only got worse. Meth abuse, as an epidemic, started in the West and the Midwest, but has more recently begun to move east. Meth use and production is exploding in North Carolina. Georgia law enforcement officials recently had one of the largest meth busts on record, and Missouri, Iowa and Minnesota have been inundated by severe meth problems. In 2003, methamphetamine was identified as the greatest drug threat by 90.9 percent of local law enforcement agencies in the Pacific region. By comparison, only 5.3 percent of agencies reporting identified cocaine as their biggest threat, followed by marijuana at 2.1 percent and heroin at less than 1 percent.

This epidemic of meth has permeated the most urban and most rural communities. Meth labs range in sophistication from being run by multi-national organized crime rings to back alley cook shops, and they exist in crudely converted farm houses and in illicit high-financed facilities run by Mexican drug rings. Meth victims are of all ages, and there is heart-wrenching data and anecdotes on meth addiction of mothers, and the impact of adult meth addiction on their very young children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arrest Methamphetamine Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Methamphetamine (meth) is an extremely dangerous and highly addictive drug.

(2) Methamphetamine use contributes to the perpetration of violent crimes, particularly burglary, child abuse, and crimes of substantial cost and personal pain to the victims, including identity theft.

(3) Methamphetamine labs produce hazardous conditions because of their use of chemicals such as anhydrous ammonia, ether, sulfuric acid, and other toxins which are volatile, corrosive and poisonous. When these substances are illegally disposed of in rivers, streams, and other dump areas, explosions and serious environmental damage can and does result.

(4) Since 2001, Federal funding has been provided through the Department of Justice COPS and Byrne Grant programs to address methamphetamine enforcement and clean up. Since 2002, although the methamphetamine problem has been growing and spreading across the United States, COPS funding has been cut each successive year, from $70,500,000 in 2002, to under $52,000,000 in 2005.

(5) As methamphetamine has impacted more States each year, the dwindling Federal funds have been parsed into smaller amounts. Each State deserves greater Federal support and a permanent funding mechanism to confront the challenging problem of methamphetamine abuse.

(6) Permanent Federal funding support for meth enforcement and clean-up is critical to the efforts of State and local law enforcement to reduce the use, manufacture, and sale of methamphetamine, and thus, reduce the crime rate.

(7) It is necessary for the Federal Government to establish a long-term commitment to confronting methamphetamine use, sale, and manufacture by creating a permanent funding mechanism to assist States.

SEC. 3. CONFRONTING THE USE OF METHAMPHETAMINE.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART HH—CONFRONTING USE OF METHAMPHETAMINE

''SEC. 2991. AUTHORITY TO MAKE GRANTS TO ADDRESS PUBLIC SAFETY AND METHAMPHETAMINE MANUFACTURING, SALE, AND USE.

''(a) PURPOSE AND PROGRAM AUTHORITY.—

''(1) PURPOSE.—It is the purpose of this part to assist States—

''(A) to carry out programs to address the manufacture, sale, and use of methamphetamine drugs; and

''(B) to improve the ability of State and local government institutions of to carry out such programs.

''(2) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance in the Office of Justice Programs may make grants to States to address the manufacture, sale, and use of methamphetamine to enhance public safety.

''(3) GRANT PROJECTS TO ADDRESS METHAMPHETAMINE MANUFACTURE SALE AND USE.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

''(A) arrest individuals violating laws related to the use, manufacture, or sale of methamphetamine;

''(B) undertake methamphetamine clandestine lab seizures and environmental clean up;

''(C) provide for community-based education, awareness, and prevention;

''(D) provide child support and family services related to assist users of methamphetamine and their families;

''(E) facilitate intervention in methamphetamine use;

''(F) facilitate treatment for methamphetamine addiction;

''(G) provide Drug Court and Family Drug Court services to address methamphetamine;

''(H) provide community policing to address the problem of methamphetamine use;

''(I) support State and local health department and environmental agency services deployed to address methamphetamine;

''(J) prosecute violations of laws related to the use, manufacture, or sale of methamphetamine; and

''(K) procure equipment, technology, or support systems, or pay for resources, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in the reduction in the use, sale, and manufacture of methamphetamine.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this part, a State shall submit to the Attorney General assurances that the State has implemented, or will implement prior to receipt of a grant under this section laws, policies, and programs that restrict the wholesale and limit sale of products used as precursors in the manufacture of methamphetamine.

''SEC. 2992. APPLICATIONS.

''(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

''(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

''(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

''(1) include a long-term statewide strategy that—

''(A) reflects consultation with appropriate public and private agencies, tribal governments, and community groups;

''(B) represents an integrated approach to addressing the use, manufacture, and sale of methamphetamine that includes—

''(i) arrest and clandestine lab seizure;

''(ii) training for law enforcement, fire and other relevant emergency services, health care providers, and child and family service providers;

''(iii) intervention;

''(iv) child and family services;

''(v) treatment;

''(vi) drug court;

''(vii) family drug court;

''(viii) health department support;

''(ix) environmental agency support;

''(x) prosecution; and

''(xi) evaluation of the effectiveness of the program and description of the efficacy of components of the program for the purpose of establishing best practices that can be widely replicated by other States; and

''(C) where appropriate, incorporate Indian Tribal participation to the extent that an Indian Tribe is impacted by the use, manufacture, or sale of methamphetamine;

''(2) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

''(3) certify that there has been appropriate coordination with all affected State and local government institutions and that the State has involved counties and other units of local government, when appropriate, in the development, expansion, modification, operation or improvement of programs to address the use, manufacture, or sale of methamphetamine;

''(4) certify that the State will share funds received under this part with counties and other units of local government, taking into account the burden placed on these units of government when they are required to address the use, manufacture, or sale of methamphetamine;

''(5) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

''(6) explain how the grant will be utilized to enhance government response to the use, manufacture, and sale of methamphetamine;

''(7) demonstrate a specific public safety need;

''(8) explain the applicant's inability to address the need without Federal assistance;

''(9) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

''(10) certify that funds received under this part will be used to supplement, not supplant, other Federal, State, and local funds.

''SEC. 2993. PLANNING GRANTS.

''(a) ELIGIBLE ENTITY.—The Attorney General through the Bureau of Justice Assistance in the Office of Justice Programs, may make grants under this section to States, Indian tribal governments, and multi-jurisdictional or regional consortia thereof to develop a comprehensive, cooperative strategy to address the manufacture, sale, and use of methamphetamine to enhance public safety.

''(b) AUTHORIZATION.—The Attorney General is authorized to provide grants under this section not exceeding $100,000 per eligible entity for such entity to—

''(1) define the problem of the use, manufacture, or sale of methamphetamine within the jurisdiction of the entity;

''(2) describe the public and private organization to be involved in addressing methamphetamine use, manufacture, or sale; and

''(3) describe the manner in which these organizations will participate in a comprehensive, cooperative, and integrated plan to address the use, manufacture, or sale of methamphetamine.

''SEC. 2994. ENFORCEMENT GRANTS.

''Of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 2993 shall be allocated to States as follows:

''(1) 0.25 percent or $250,000, whichever is greater, shall be allocated to each of the States.

''(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

''SEC. 2995. NATIONAL ACTIVITIES.

''The Attorney General is authorized—

''(1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing the use, manufacture, and sale of methamphetamine;

''(2) to establish a national clearinghouse of information on effective programs to address the use, manufacture, and sale of methamphetamine that shall disseminate to State and local agencies describing—

''(A) the results of research on efforts to reduce the use, manufacture, and sale of methamphetamine; and

''(B) information on effective programs, best practices and Federal resources to—

''(i) reduce the use, manufacture, and sale of methamphetamine; and

''(ii) address the physical, social, and family problems that result from the use of methamphetamine through the activities of intervention, treatment, drug courts, and family drug courts;

''(3) to establish a program within the Department of Justice to facilitate the sharing of knowledge in best practices among States addressing the use, manufacture and sale of methamphetamine through State-to-State mentoring, or other means; and

''(4) to provide technical assistance to State agencies and local agencies implementing programs and securing resources to implement effective programs to reduce the use, manufacture, and sale of methamphetamine.

''SEC. 2996. FUNDING.

''(a) GRANTS FOR THE PURPOSE OF CONFRONTING THE USE OF METHAMPHETAMINE.—There are authorized to be appropriated to carry out this part—

''(1) $100,000,000 for each fiscal year 2006 and 2007; and

''(2) $200,000,000 for each fiscal year 2008, 2009, and 2010.

''(b) NATIONAL ACTIVITIES.—For the purposes of section 2995, there are authorized to be appropriated such sums as are necessary.''.

SEC. 4. STATEMENT OF CONGRESS REGARDING AVAILABILITY AND ILLEGAL IMPORTATION OF PSEUDOEPHEDRINE FROM CANADA.

(a) FINDINGS.—Congress finds that—

(1) pseudoephedrine is a particularly abused basic precursor chemical used in the manufacture of the dangerous narcotic methamphetamine;

(2) the Federal Government, working in cooperation with narcotics agents of State and local governments and the private sector, has tightened the control of pseudoephedrine in the United States in recent years;

(3) in many States, pseudoephedrine can only be purchased in small quantity bottles or blister packs, and laws throughout various States are gradually becoming tougher, reflecting the increasing severity of America's methamphetamine problem; however, the widespread presence of large containers of pseudoephedrine from Canada at methamphetamine laboratories and dumpsites in the United States, despite efforts of law enforcement agencies to stem the flow of these containers into the United States, demonstrates the strength of the demand for, and the inherent difficulties in stemming the flow of, these containers from neighboring Canada; and

(4) Canada lacks a comprehensive legislative framework for addressing the pseudoephedrine trafficking problem.

(b) CALL FOR ACTION BY CANADA.—Congress strongly urges the President to seek commitments from the Government of Canada to begin immediately to take effective measures to stem the widespread and increasing availability in Canada and the illegal importation into the United States of pseudoephedrine.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 431. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Energy and Natural Resources.

Mr. DEWINE. Mr. President, I rise today along with my colleague, Senator DURBIN, to introduce the Presidential Sites Improvement Act of 2005. As we look forward to celebrating President's Day this coming Monday, I can think of no better way to honor our former Chief Executives than by passing this important piece of legislation.

The Presidential Sites Improvement Act would create a new and innovative partnership with public and private entities to preserve and maintain Presidential sites, such as birthplaces, homes, memorials, and tombs. It is our duty to preserve these sites so that future generations of Americans can gain a better understanding of those who influenced the development of our great Nation.

In an era when innovative technology has been incorporated into the curriculum in schools throughout the country, we often forget that one of the best learning tools is that which a child can touch and see. Visiting the birthplace or home of the same individuals talked about in the classroom or read about online provides a completely different atmosphere to appreciate history. The opportunity to visit the actual birthplaces, homes, memorials, and tombs provides a real-life glimpse into the lives of our former Presidents.

Currently, family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other non-profit organizations own the majority of these sites. These entities often have little funding and are unable to meet the demands of maintaining such important sites because operating costs must be met before maintenance needs. As a result, these sites are left to deteriorate slowly.

I have visited many of the Presidential historic sites throughout my home State of Ohio, a State that has been the home of eight Presidents. I was disturbed during one such visit to the Ulysses S. Grant house. There, I saw the discoloration and falling plaster due to water damage. At the home of President Warren Harding, the front porch was pulling away from the house—the very same porch where President Harding delivered his now famous campaign speeches. Fortunately, we were able to obtain funding to prevent these two historic treasures from deteriorating further. We need to continue to provide Federal assistance for maintenance projects today in order to prevent larger maintenance problems tomorrow.

These sites are far too important to let slowly decay. Our legislation would authorize grants, administered by the National Park Service, for maintenance and improvement projects on Presidential sites that are not federally owned or managed. A portion of the funds would be set aside for sites that are in need of emergency assistance. To administer this new program, this legislation would establish a five-member committee, including the Director of the National Park Service, a member of the National Trust for Historic Preservation, and a State historic preservation officer. This committee would make grant recommendations to the Secretary of the Interior. Each grant would require that half of the funds come from non-Federal sources. Up to $5 million would be made available annually.

The Presidential Sites Improvement Act would make sure that every American has the chance to appreciate a real piece of history—a chance at understanding the lives of the great men who have led our Nation.

I ask unanimous consent that the text of the legislation I have just introduced be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Sites Improvement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) there are many sites honoring Presidents located throughout the United States, including Presidential birthplaces, homes, museums, burial sites, and tombs;

(2) most of the sites are owned, operated, and maintained by non-Federal entities such as State and local agencies, family foundations, colleges and universities, libraries, historical societies, historic preservation organizations, and other nonprofit organizations;

(3) Presidential sites are often expensive to maintain;

(4) many Presidential sites are in need of capital, technological, and interpretive display improvements for which funding is insufficient or unavailable; and

(5) to promote understanding of the history of the United States by recognizing and preserving historic sites linked to Presidents of the United States, the Federal Government should provide grants for the maintenance and improvement of Presidential sites.

SEC. 3. DEFINITIONS.

In this Act:

(1) GRANT COMMISSION.—The term ''Grant Commission'' means the Presidential Site Grant Commission established by section 4(d).

(2) PRESIDENTIAL SITE.—The term ''Presidential site'' means a site that is—

(A) related to a President of the United States;

(B) of national significance;

(C) managed, maintained, and operated for, and is accessible to, the public; and

(D) owned or operated by—

(i) a State; or

(ii) a private institution, organization, or person.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. GRANTS FOR PRESIDENTIAL SITES.

(a) IN GENERAL.—The Secretary shall award grants for major maintenance and improvement projects at Presidential sites to owners or operators of Presidential sites in accordance with this section.

(b) USE OF GRANT FUNDS.—

(1) IN GENERAL.—A grant awarded under this section may be used for—

(A) repairs or capital improvements at a Presidential site (including new construction for necessary modernization) such as—

(i) installation or repair of heating or air conditioning systems, security systems, or electric service; or

(ii) modifications at a Presidential site to achieve compliance with requirements under titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); and

(B) interpretive improvements to enhance public understanding and enjoyment of a Presidential site.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Of the funds made available to award grants under this Act—

(i) 15 percent shall be used for emergency projects, as determined by the Secretary;

(ii) 65 percent shall be used for grants for Presidential sites with—

(I) a 3-year average annual operating budget of less than $700,000 (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is less than 3 times the annual operating budget of the site; and

(iii) 20 percent shall be used for grants for Presidential sites with—

(I) an annual operating budget of $700,000 or more (not including the amount of any grant received under this section); and

(II) an endowment in an amount that is equal to or more than 3 times the annual operating budget of the site.

(B) UNEXPENDED FUNDS.—If any funds allocated for a category of projects described in subparagraph (A) are unexpended, the Secretary may use the funds to award grants for another category of projects described in that subparagraph.

(c) APPLICATION AND AWARD PROCEDURE.—

(1) IN GENERAL.—Not later than a date to be determined by the Secretary, an owner or operator of a Presidential site may submit to the Secretary an application for a grant under this section.

(2) INVOLVEMENT OF GRANT COMMISSION.—

(A) IN GENERAL.—The Secretary shall forward each application received under paragraph (1) to the Grant Commission.

(B) CONSIDERATION BY GRANT COMMISSION.—Not later than 60 days after receiving an application from the Secretary under subparagraph (A), the Grant Commission shall return the application to the Secretary with a recommendation of whether the proposed project should be awarded a Presidential site grant.

(C) RECOMMENDATION OF GRANT COMMISSION.—In making a decision to award a Presidential site grant under this section, the Secretary shall take into consideration any recommendation of the Grant Commission.

(3) AWARD.—Not later than 180 days after receiving an application for a Presidential site grant under paragraph (1), the Secretary shall—

(A) award a Presidential site grant to the applicant; or

(B) notify the applicant, in writing, of the decision of the Secretary not to award a Presidential site grant.

(4) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—The Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section shall not exceed 50 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project at a Presidential site for which a grant is awarded under this section may be provided in cash or in kind.

(d) PRESIDENTIAL SITE GRANT COMMISSION.—

(1) IN GENERAL.—There is established the Presidential Site Grant Commission.

(2) COMPOSITION.—The Grant Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 4 members appointed by the Secretary as follows:

(i) A State historic preservation officer.

(ii) A representative of the National Trust for Historic Preservation.

(iii) A representative of a site described in subsection (b)(2)(A)(ii).

(iv) A representative of a site described in subsection (b)(2)(A)(iii).

(3) TERM.—A member of the Grant Commission shall serve a term of 2 years.

(4) DUTIES.—The Grant Commission shall—

(A) review applications for Presidential site grants received under subsection (c); and

(B) recommend to the Secretary projects for which Presidential site grants should be awarded.

(5) INELIGIBILITY OF SITES DURING TERM OF REPRESENTATIVE.—A site described in clause (iii) or (iv) of paragraph (2)(B) shall be ineligible for a grant under this Act during the 2-year period in which a representative of the site serves on the Grant Commission.

(6) NONAPPLICABILITY OF FACA.—The Grant Commission shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $5,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

By Mr. ALLEN (for himself, Mr. TALENT, Mr. GRAHAM, Mr. MCCAIN, Mr. LOTT, Mr. WARNER, Mr. GRASSLEY, and Mr. THUNE):

S. 432. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today, with my colleagues, Senators TALENT, GRAHAM, MCCAIN, LOTT, WARNER, GRASSLEY and THUNE, I rise to introduce the Minority Serving Institution Digital & Wireless Technology Opportunity Act of 2005.

This legislation will provide vital resources to address the technology gap that exists at many Minority Serving Institutions, MSIs. With this legislation together, as a country, we move one step closer to eliminating what I like to call the ''economic opportunity divide'' that exists between Minority Serving Institutions and non-minority institutions of higher education.

This legislation will establish a new grant program that provides up to $250 million a year to help Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges upgrade their technology and communications infrastructure.

Since before I was elected to the Senate, my goal has always been to look for ways to improve education and empower all of our young people—regardless of their race, ethnicity, religion or economic background—to compete and succeed in life.

With over 200 Hispanic Serving Institutions; over 100 Historically Black Colleges and Universities and 34 tribal colleges throughout our country, it is clear that Minority Serving Institutions provide a valuable service to the educational strength and future growth of our Nation.

These institutions must have the technology capabilities and infrastructure available to their students and faculty to successfully compete and succeed in today's workforce.

Our goal with this legislation is clear—by increasing access to technology and addressing the technological disparities that exist at Minority Serving Institutions we will provide our young people with important tools for success, both in the classroom and in the workforce.

This nation's economic stability and growth are increasingly dependent on a growing portion of the workforce possessing technological skills.

African Americans, Hispanics and Native Americans constitute one-quarter of the total U.S. workforce. Approximately, one-third of all students of color in this nation are educated at Minority Serving Institutions. It is estimated that in 10 years minorities will comprise nearly 40 percent of all college-age Americans.

Yet, members of these minorities represent only 7 percent of the U.S. computer and information science workforce; 6 percent of the engineering workforce; and less than 2 percent of the computer science faculty.

At the same time, we know that 60 percent of all jobs require information technology skills and these jobs pay significantly higher salaries than jobs of a non-technical nature.

I am proud to say Virginia is home to five Historically Black Colleges & Universities—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University and Virginia State University.

Mr. President, we must ensure that the students attending these minority institutions are competing on a level playing field when it comes to technology skills and development.

We must tap the talent and potential of these students to ensure that America's workforce is prepared to lead the world.

The legislation allows eligible institutions the opportunity through grants, contracts or cooperative agreements to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology and wireless technology/infrastructure—such as wireless fidelity or WiFi—to develop and provide educational services.

Additionally, the grants can be used for equipment upgrades, technology training and hardware/software acquisition. A Minority Serving Institution also can use the funds to offer its students universal access to campus networks, dramatically increase their connectivity rates, or make necessary infrastructure improvements.

The best jobs in the future will go to those who are the best prepared. However, I am increasingly concerned that when it comes to high technology jobs—which pay higher wages—this

country runs the risk of economically limiting many college students in our society. It is important for all Americans that we close this opportunity gap.

Providing equal technological opportunities for all Americans will have a positive impact on our education system, our economic competitiveness and future generations of innovators and leaders.

I encourage all of my colleagues to support this legislation. This exact legislation passed the Senate last year 97–0.

Mr. President, I want to thank my colleagues for joining me today in cosponsoring this legislation and I look forward to working with fellow Senators to push this important measure across the goal-line so that many more college students are provided access to better technology and education, and most importantly, even greater opportunities in life.

By Mr. ALLEN:

S. 433. A bill to require the Secretary of Homeland Security to develop and implement standards for the operation of non-scheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, I rise today to introduce legislation that would re-open Ronald Reagan Washington National Airport to all aviation. Since the tragic attacks of September 11, 2001, general aviation flights have not been permitted to operate in and out of Reagan National Airport. My legislation would direct the executive branch to develop and implement standards for the resumption of general aviation flights.

The closing of Reagan National to general aviation was understandable, prudent and tolerable in the weeks and months following the tragedy of September 11. The safety and security of the capital region is paramount and will always guide our decisions. But, despite Congressional action mandating a detailed plan to re-open the airport to general aviation following a massive strengthening of our airports and air traffic control system serving the Washington area, the Federal Government has done little to develop a plan that would allow for the use of Reagan National for private aircraft.

Closing Reagan National to general aviation has had a substantial negative effect on jobs and the economy of the capital region. Non-scheduled air carrier operations at Reagan National once generated an estimated $50 million a year in direct economic activity from charter revenue, aircraft handling and refueling services. The lack of charter and general aviation passengers coming into the city, hotels, restaurants and other service businesses near Reagan National have suffered a significant, negative economic impact as well.

Since September 11, 2001, air charter operators have participated in a rigorous security program that makes their operations just as safe, if not safer, than those of commercial airlines. Charter operators also have the capability to check the names of their passengers against government terrorist watch lists. Given the unique location of the airport, stakeholders in the general aviation industry are willing to comply with virtually any rational government policy that would grant access to Reagan National for general aviation aircraft. Such proposals include using ''gateway'' airports in which all flights into Reagan National must first land for additional screening, and added screening of pilots and passengers. There are also new technological advances that could be required for private planes using Reagan National. Notwithstanding the willingness of those in general aviation to comply with reasonable security procedures that may be implemented, government agencies have remained stolidly silent on the issue.

That is why I have decided to introduce legislation directing the Department of Homeland Security to finalize and implement regulations that would again allow general aviation flights to operate at Reagan National. The measure allows for reasonable requirements to ensure the security of operations at Reagan National. The requirements include screening and certification of flight and ground crews; advance clearance of passenger manifests; physical screening of passengers and luggage; the physical inspection of aircraft; special flight procedures and limiting the airports from which flights can originate.

The Government was able to find conditions under which commercial aviation could operate out of Reagan National following the September 11 terrorist attacks. I see no reason why similar conditions or requirements could not be developed to allow for general aviation to also begin operations again.

Congressionally mandated actions on this issue have yet to result in a plan or set of circumstances that would fully re-open Reagan National. Thus, I believe it is necessary to introduce legislation that would direct the Department of Homeland Security to do so.

I agree that security is the most important factor in this debate; however I also believe reasonable requirements can be put in place to ensure the safety of general aviation flights and help the local businesses that depend on this mode of transportation for their livelihood.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 436. A bill to require the Secretary of Energy to assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, in the shadow of crude oil prices that have reached nearly $50 per barrel, and with the specter of higher gasoline prices forecast by the Department of Energy's Energy Information Administration, I rise today to introduce a bill that will help Hawaii and potentially other insular areas grapple with the difficult choices ahead with respect to energy independence.

The bill directs the Secretary of Energy to assess the short- and long-term prospects of oil supply disruptions and price volatility and their impacts on Hawaii. It also directs the Secretary to assess the economic relationship between oil-fired generation of electricity from residual fuel and refined products consumed for transportation needs of Hawaii. Hawaii uses crude oil to produce electricity, gasoline, and jet fuel. Changing the mix of these products will have significant economic implications for Hawaii. We need to have a clear picture of the impacts of going down these roads to a different energy mix. In addition, the study would address the technical and economic feasibility of increasing the contribution of renewable energy resources and the use of liquified natural gas, LNG, for generating electricity and other needs. In Hawaii, the costs of gasoline, electricity, and jet fuel are intertwined in an intricate relationship, because they all come from the same feedstock, and changes in the use of one could potentially drive consumer prices up or down. We need to know the implications of increasing the percentage of renewable sources of energy or switching to LNG, and whether these choices will leave us enough residual fuel for our transportation system and jets. Finally, the bill calls for an analysis of the feasibility of production and use of hydrogen from renewable resources on an island-by-island basis, an energy source I have championed for a long time.

Hawaii is heavily dependent on imported oil. About 90 percent of the State's energy needs for residents and visitors is produced by refining and burning crude oil. We import 28 percent of our oil from Alaska, but 72 percent comes from foreign sources including Indonesia, China, Papua New Guinea, and Vietnam. We use 26 percent of the oil for generating electricity. Being an island State, marine transportation between the islands is very important. Air transport for residents of Hawaii, as well as for our tourism industry, is critical. For many high school athletic and academic teams to compete in intramural activities, it means getting on planes to go to another island. Many families live on multiple islands. We use 32 percent of the oil for air transportation, and 23 percent for ground and marine transportation. My State's dependence on oil poses potential risks to Hawaii from sudden price increases or supply disruptions as were experienced several times in the last five years alone.

Hawaii uses its energy very efficiently. Our per capita energy use is well below the national average. In part, this is due to the fact that Hawaii is blessed with comfortable climate and short driving distances. Nonetheless, we have been paying some of the highest prices in the Nation for our energy. We continue to have the highest gasoline prices in the country. For a long time our electricity rates also have been the highest in the country. Consistent high energy prices affect the economic vitality of the State. Before we invest in a different energy mix and infrastructure, we need to make transparent all the relations between fuels and the consequences of the directions we choose.

Our State has been proactive in seeking energy solutions. The State of Hawaii has income tax credits for the installation of solar, photovoltaic, and wind energy. Hawaii has the largest solar water heating program in the Nation. Governor Linda Lingle has called for a 20 percent renewable energy standard by 2020. Last year we obtained about 7 percent of electricity sales from renewable sources, compared with a national average of about 2 percent. The Hawaiian Electric Company, HECO, Hawaii's largest utility, announced in January 2003 the formation of a new subsidiary that will invest in renewable energy projects for Hawaii.

The Hawaii Energy Policy Forum, a deliberative body of over 40 community leaders and energy stakeholders, met many times over a period of a year and developed an energy vision for Hawaii through the year 2030. Its report, ''Hawaii at the Crossroads; A Long-Term Energy Strategy,'' identifies strategic principles for Hawaii's future, including diversifying the sources of imported energy and beginning the transition to a long-term hydrogen economy.

Mr. President, energy security includes supply security, price security, and economic security. Supply security means ensuring that energy is available despite market disruptions elsewhere. Price security means that energy consumers are protected against price fluctuations and chronically high prices. Economic security results from both of the above. Hawaii is dependent on oil for both transportation and electricity in ways that are without parallel in continental States. Hawaii also has an abundance of renewable energy resources. It is the intent of this bill to assess these challenges and opportunities, and to help us develop a suitable roadmap for Hawaii's energy future. This bill will help Hawaii identify the challenges and decision points along the way to energy security.

I urge my colleagues to support this bill and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HAWAII ENERGY ASSESSMENT.

(a) ASSESSMENT.—The Secretary of Energy shall assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) effects on the utility system including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquefied natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of the displacement on the economic relationship described in paragraph (2), including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquefied natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of the displacement on the relationship described in (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii

(b) CONTRACTING AUTHORITY.—The Secretary of Energy may carry out the assessment under subsection (a) directly or, in whole or in part, through 1 or more contracts with qualified public or private entities.

(c) REPORT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Energy shall prepare, in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate, and submit to Congress, a report detailing the findings, conclusions, and recommendations resulting from the assessment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 437. A bill to expedite review of the grand River Band of Ottawa Indians of Michigan to secure a timely and just determination of whether that group is entitled to recognition as a Federal Indian tribe; to the Committee on Indian Affairs.

Mr. LEVIN. Mr. President, I come to the floor today to introduce a bill to address an inequity to one of Michigan's Native American tribes. The Grand River Band of Ottawa Indians, commonly referred to as the Grand River Band, has been in some form indigenous to the State of Michigan for over 200 years. The Grand River Band consists of the 19 bands of Indians who occupied the territory along the Grand River in what is now southwest Michigan, including the cities of Grand Rapids and Muskegon. The members of the Grand River Band are the descendants and political successors to signatories of the 1821 Treaty of Chicago and the 1836 Treaty of Washington. They are also one of six tribes who is an original signatory of the 1855 Treaty of Detroit. However, the Grand River Band is the only one of those tribes which is not recognized by the Federal Government.

The bill I am introducing today with my colleague, Senator STABENOW, will direct the Bureau of Indian Affairs at the Department of Interior to make a recognition determination in a timely manner. Let me be clear—this bill does not federally recognize the tribe nor does it address the issue of gaming. I hope that this legislation will help to address this inequity to the Grand River Band and provide a timely remedy so that the tribe can enjoy the full benefits and status of Federal recognition.

BY Mr. ENSIGN (for himself, Mrs. LINCOLN, Mr. HAGEL, Mrs. MURRAY, Mr. BINGAMAN, Mr. CORZINE, Mr. JOHNSON, Ms. COLLINS, and Mr. HATCH):

S. 438. A bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I am pleased to reintroduce the Medicare Access to Rehabilitation Services Act to improve the Medicare program for our senior citizens. The bill, which enjoyed the support of a majority of the Senate in the 108th Congress, would repeal the beneficiary cap on rehabilitation therapy care and ensure quality healthcare for Medicare patients.

The beneficiary cap is really two separate therapy caps: one cap for occupational therapy and one for both physical therapy and speech-language pathology care combined. Congress has already shown its opposition to this arbitrary cap by placing a moratorium on enforcement of the cap in 1999, 2000, and 2003. The latest moratorium will expire on January 1, 2006. Without congressional action, the beneficiary cap on therapy services will be effective again in less than a year. It is time to repeal the cap once and for all.

Each year, more than 3.7 million Medicare beneficiaries receive outpatient physical therapy, occupational therapy, and/or speech-language pathology services to regain their optimum level of function and independence. The Center for Medicare and Medicaid Services, CMS, completed a long-awaited analysis of the therapy cap policy. The report, prepared by AdvanceMed, estimates that for Calendar Year 2002, some 638,195 beneficiaries receiving physical therapy, occupational therapy, and/or speech-language pathology services would have exceeded the cap threshold. This represents 23.7 percent of the outpatient therapy expenditures for that year. Failure to address the issue this year in Congress will have a significant impact on the access beneficiaries will have to necessary rehabilitation services.

It is clear from recent reports prepared for CMS that patients with debilitating illnesses and injuries would be severely impacted by enforcement of the therapy caps. Based on data from 2002, patients suffering from conditions such as stroke, Parkinson's disease, congenital heart failure, and Dysphasia were certain to be negatively impacted by enforcement of existing statutory limits on rehabilitation coverage.

Action is needed to address the therapy caps this year. Last Congress, this bill attracted 51 Senators as cosponsors. As a member of the Senate Budget Committee, I realize the budgetary constraints that are upon Congress. I understand that we need to prioritize spending. I believe that a meaningful solution to address the rehabilitation needs of senior citizens and individuals with disabilities in the Medicare program should be a priority.

I would like to thank my colleagues, Senator BLANCHE LINCOLN, Senator CHUCK HAGEL, Senator PATTY MURRAY, Senator JEFF BINGAMAN, Senator JON CORZINE, Senator TIM JOHNSON, Senator SUSAN COLLINS, and Senator ORRIN HATCH for joining me in this effort. I stand ready to work with my colleagues to enact a solution to the therapy caps that ensures access to quality restorative services provided by qualified professionals.

By Mrs. BOXER (for herself and Mr. JEFFORDS):

S. 439. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent methyl tertiary butyl ether and petroleum contamination; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation to protect public health and the environment by preventing chemicals from leaking out of underground storage tanks and thereafter contaminating drinking water supplies and nearby communities. My colleague in the House of Representatives, Mr. DINGELL, is introducing companion legislation.

Underground storage tanks can hold extremely toxic chemicals that can move rapidly through soil, contaminating the ground, aquifers, streams and other bodies of water. Underground storage tanks are located in urban and rural areas. When they leak, they present substantial risks to groundwater quality, human health, environmental quality, and economic growth.

There are approximately 670,000 underground storage tanks in the United States, and there have been more than 445,000 confirmed releases from these tanks as of mid-2003. Over 35 States report that leaking underground storage tanks are one of the top threats to their drinking water sources. By and large, MTBE contamination has come from leaking underground storage tanks. MTBE has contaminated water supplies in 43 States and in 29 States has contaminated drinking water. Estimates indicate that it will cost at least $29 billion to clean up MTBE contamination nationwide.

Currently, the leaking underground storage tanks program and other laws ensure that responsible parties pay to clean up the damage caused by these leaking spills. Unfortunately, the pace of cleaning up leaking underground storage tanks is 20 percent below the historic average. Our Nation faces an estimated 94,000 to 150,000 additional cleanups over the next 10 years—at a cost of $12 billion to $19 billion.

The best, most commonsense solution to stop leaking underground storage tanks from threatening public health is to prevent them from leaking in the first place with the use of secondary containment, such as double walls. There is already widespread support for this throughout the country. Twenty-one States already require secondary containment, either for all new or replaced tanks—such as in California—or for all new or replaced tanks in sensitive areas. In addition, two States are awaiting final passage or approval of such requirements, and one State requires tertiary, such as triple walls, containment. According to figures from the Petroleum Equipment Institute, 57 percent of all tanks installed from 2000 through 2003 were double walled.

But this is not fast enough in the face of the threats to our drinking and groundwater. Approximately 50 percent of the population relies on groundwater for their drinking water, including almost 100 percent in rural areas. The time to prevent contamination is now.

We must ensure the environmental health and safety of our water. I encourage my colleagues to support this bill.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 440. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to reintroduce an important bill that will ensure that Medicaid beneficiaries in all states have access to the services of top-quality podiatric physicians. I am pleased that Senator MIKULSKI from Maryland is joining me in introducing this bill today.

Having healthy feet and ankles are critical to keeping individuals mobile, productive and in good long-term health. This is particularly true for individuals with diabetes.

According to the Centers for Disease Control and Prevention, CDC, over 18 million Americans have diabetes, and it is the sixth leading cause of death in this country. Each year, over 200,000 Americans die from this disease.

If not managed properly, diabetes can cause several severe health problems, including eye disease or blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations. In fact, the CDC estimates that 82,000 people undergo an amputation of a leg, foot or toe each year because of complications with diabetes.

Proper care of the feet could prevent many of these amputations. The CDC says that regular exams and patient education could prevent up to 85 percent these amputations.

The bill we are introducing today recognizes the important role podiatrists can play identifying and correcting foot problems among diabetics. The bill amends Medicaid's definition of ''physicians'' to include podiatric physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, doesn't mean that podiatric services are not needed, or that beneficiaries will not seek out other providers to perform these services. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

Also, it is important to note that podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill. It will help many Medicaid beneficiaries across the country have access to podiatrists that they need.

Finally, I thank the Senator from Maryland for helping me introduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise to join Senator BUNNING to introduce this important bill to make sure that Medicaid patients have access to care provided by podiatrists.

This bill ensures that Medicaid patients across the country can get services provided by podiatrists. This is a simple, common sense bill. This legislation includes podiatric physicians in

Medicaid's definition of physician. This means that the services of podiatrists will be covered by Medicaid, just like they are in Medicare. Podiatrists are considered physicians under Medicare. They should be under Medicaid. Medicaid covers necessary foot and ankle care services. Medicaid should allow podiatrists who are trained specifically in foot and ankle care to provide these services and be reimbursed for them.

The services of podiatrists are considered optional under Medicaid. Currently, most state Medicaid programs, including Maryland, recognize and reimburse podiatrists for providing foot and ankle care to their beneficiaries. However, during times of tight budgets, states may choose to cut back on these optional services. Recently, Connecticut, and Texas discontinued podiatric services. Even though podiatrist services are considered optional, Medicaid patients need foot and ankle care. If podiatrists do not provide the care, patients will see providers who may not be as well trained in the care of the lower extremities as podiatrists. I want the over 560,000 Medicaid patients in Maryland to have access to the services provided by over 400 podiatrists in Maryland.

Podiatrists receive special training on the foot, ankle, and lower leg. They play an important role in the recognition of systemic diseases like diabetes, and in the recognition and treatment of peripheral neuropathy, a frequent cause of diabetic foot wounds that can often lead to preventable lower extremity amputations. Over 18 million people in this country have diabetes, but an estimated more than 5 million of these people are not aware that they have the disease.

The President's budget challenges Congress to make major cuts to Medicaid—up to $60 billion. Covering podiatrists may be, in fact, a cost cutting measure. Ensuring Medicaid patient access to podiatrists will save Medicaid funds in the long term. According to the American Podiatric Medical Association, 75 percent of Americans will experience some type of foot health problem during their lives. Foot disease is the most common complication of diabetes leading to hospitalization. About 82,000 people have diabetes-related leg, foot, or toe amputations each year. Foot care programs with regular examinations and patient education could prevent up to 85 percent of these amputations. Podiatrists are important providers of this care.

This bill will make sure that Medicaid patients across the country have access to care provided by podiatrists. It has the support of the American Podiatric Medical Association. I urge my colleagues to cosponsor this important legislation.

By Mr. SANTORUM (for himself, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. BUNNING, Mrs. DOLE, and Mr. CHAMBLISS):

S. 441. A bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce, along with Senator NELSON of Florida, Senator KYL of Arizona, Senator ALLEN of Virginia, Senator BUNNING of Kentucky, Senator CHAMBLISS of Georgia, and Senator DOLE of North Carolina, legislation that would permanently extend the current treatment of investments made to motorsports entertainment complexes, ensuring that this important economic engine for our economy continues to roar. The Motorsports Fairness and Permanency Act of 2005 will help ensure that job-creating investments in motorsports facilities continue to be made under the same economic assumptions and tax treatment used for the last several decades—decades that have witnessed the most explosive growth in motorsports' long history.

Motorsports is the fastest growing sport in the United States, drawing fans to tracks and speedways around the country. In fact, there are over 900 motorsports facilities throughout the U.S., with tracks in every State. These facilities contribute to the economy by attracting motorsports enthusiasts and tourists, hiring permanent and temporary employees, and making capital investments. Facilities of every type—from local tracks that run weekly racing series to ''superspeedways'' that host nationally-televised events—must continually upgrade and reinvest in order to remain competitive.

Motorsports play a significant role in the Commonwealth of Pennsylvania, where racing is an integral part of Pennsylvania's economy with 60 racing facilities in every corner of the State. In fact, Pennsylvania is tied with California for the second-most motorsports facilities of any State.

Our facilities and tracks span across the Commonwealth and include the nationally known Pocono Raceway in Long Pond, Lake Erie Speedway, and Maple Grove Raceway, located just outside of Reading. These and other raceways in Pennsylvania hold NASCAR, National Hot Rod Association, Import Drag Racing Circuit, and other racing events, drawing hundreds of thousands of fans each year contributing vital economic support to their local communities.

It is clear that motorsports racing plays an important role in Pennsylvania, just as it does across this country. When making these capital investments, owners of motorsports facilities have long relied on and in good faith applied a 7-year depreciation life for these assets, but a few years ago the IRS began to raise some questions about the use of the 7-year classification. Last year, in H.R. 4520, the American Jobs Creation Act of 2004, Congress clarified that the appropriate depreciation period for motorsports assets was indeed 7 years. Due to revenue constraints in that particular bill, the provision on motorsports asset classification will lapse in 2008, meaning that Congress needs to act to permanently extend the provision. These capital expenditures, such as major improvements to existing tracks or building new tracks, require several years of planning followed by construction. Without a permanent provision that provides clarity and certainty, significant capital investments in motorsports facilities—and the jobs and economic gains those investments bring—could be negatively impacted.

I am hopeful that my colleagues in the Senate will join me in support of permanently extending the current treatment of investments in motorsports entertainment facilities.

By Mr. DEWINE (for himself, Mr. KOHL, and Mr. LEAHY):

S. 443. A bill to improve the investigation of criminal antitrust offenses; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today, along with my colleagues Senators KOHL and LEAHY, to introduce the Antitrust Investigative Improvements Act of 2005. We do so to strengthen the Department of Justice's ability to investigate criminal antitrust conspiracies. This bill gives the Department of Justice authority to seek a wiretap order from a Federal judge, for a limited time period, to monitor communications between antitrust conspirators.

Investigating and prosecuting criminal antitrust conspiracies, such as cartels and bid-rigging, is the core mission of the Department of Justice's Antitrust Division. Because of the harm this behavior can do to the economy and to innocent consumers, Assistant Attorney General for the Antitrust Division, Hewitt Pate, has said that prosecuting ''cartels remain[s] our top enforcement priority at the Antitrust Division.'' As a result, in the United States, we punish such illegal behavior harshly. Corporations can be fined up to $100 million and individuals can be fined up to $1 million and be incarcerated for 10 years. But, despite the high priority the Antitrust Division places on these cases and the tough penalties under the law, up to now, we have not given the Department of Justice all the tools it needs to investigate and prosecute criminal antitrust conspiracies.

In criminal antitrust investigations, to prosecute a case, it is critical that prosecutors gain access to evidence on the inner workings of the conspiracy. To meet their heavy burden of proof, prosecutors must marshal strong evidence showing, for example, the terms of the illegal agreement, the participants in the illegal agreement, and precisely when the illegal agreement was reached. This type of evidence is extremely difficult to gain without penetrating the inner workings of the conspiracy.

The Department has principally two techniques for investigating criminal antitrust enterprises. First, it may enlist the cooperation of a witness. The

cooperating witness may be, for example, a customer being harmed by the conspiracy or a co-conspirator to the antitrust crime. Under this approach, a cooperating witness may testify about the details of the conspiracy or may record conversations with the conspirators, either through videotape or audiotape. One important restriction is that the cooperating witness must be present at the conversation when recording. But, if the Department cannot secure a cooperating witness, which is often the case, this technique is not available.

Second, the Antitrust Division also has a corporate leniency program, which has been very successful in investigating and prosecuting criminal antitrust conspiracies. In exchange for fully cooperating with an antitrust investigation, an otherwise guilty corporation may receive lenient treatment. But, this method, too, depends on the cooperation of one who was on the inside of the criminal conspiracy.

Our bill adds a third technique by amending Title III of the Omnibus Crime Control and Safe Streets Act (18 U.S.C. Section 2510 et seq.) to make a criminal violation of the Sherman Act a ''predicate offense'' for an order authorizing the interception of wire or oral communications, hereinafter ''wiretap order''. Amending this law to make criminal antitrust offenses a predicate offense would give the Department of Justice a much needed tool to investigate the inner workings of criminal antitrust conspiracies. Unlike using a cooperating witness or the corporate leniency program, a wiretap order does not require the cooperation of someone who has inside knowledge of the conspiracy or who is actually participating in the conspiracy. Upon a showing of probable cause to a Federal judge, the Department of Justice could obtain a wiretap order, for a limited time period, to monitor communications between conspirators.

There are over 150 predicate offenses from title 18 and dozens of other predicate offenses from other parts of the U.S. Criminal Code. Offenses, such as wire fraud, mail fraud, and bank fraud are predicate offenses, but up to now, criminal antitrust offenses have not been on the list. I think this is a mistake. Criminal antitrust offenses are basically white-collar, fraud offenses, and often do much more harm to innocent consumers than other types of fraud offenses. It is time for antitrust to be added as a predicate offense, given the gravity of the crime.

This idea is not new. Past Assistant Attorney Generals of the Antitrust Division have supported the idea for such legislation. And, in 1999, our neighbor to the north, Canada, passed similar legislation. It is an idea whose time has come.

I urge my colleagues to support this important reform to strengthen the enforcement of our antitrust laws. I ask unanimous consent to print the bill in the RECORD.

Mr. LEAHY. Mr. President, America's antitrust laws play a vital role in protecting consumers and ensuring a competitive marketplace for business. The vigorous enforcement of these laws also helps promote and maintain the efficiency of our markets by promoting competition, innovation, and technological development. Today, I am pleased to join Senator KOHL and Senator DEWINE in introducing the Antitrust Criminal Investigative Improvements Act of 2005, legislation that will provide the Department of Justice with long overdue authority in investigating and prosecuting criminal antitrust violations.

Congress acted in 1890 with passage of the Sherman Antitrust Act to prohibit abusive monopolization and anticompetitive practices. Since that time, the Department of Justice's enforcement efforts have benefited consumers in terms of lower prices, greater variety, and higher quality of products and services. Despite the value and impact of criminal antitrust cases, however, criminal antitrust investigations do not currently qualify for judicially approved wiretaps. While the Justice Department may engage in court-authorized searches of business records, it may only monitor phone calls of informants or the conversations of consenting parties.

The Antitrust Criminal Investigative Improvements Act of 2005 will add criminal price fixing and bid rigging to the many crimes that are already ''predicate offenses'' for wiretap purposes. More than 150 ''predicate offenses'' are currently included in Title III of the Omnibus Crime Control and Safe Streets Act, including crimes of lesser impact and significance than criminal antitrust violations. In light of the seriousness of economic harms caused by violations of the Sherman Antitrust Act, the inability of the Justice Department to obtain wiretaps when investigating criminal antitrust violations makes little sense. Moreover, the evidence that can be acquired through wiretaps is precisely the type of evidence that is essential for the successful prosecution and prevention of serious antitrust violations. This bill equips the Department of Justice investigators and prosecutors to enforce zealously the criminal antitrust laws of the United States.

By Mr. FEINGOLD:

S. 444. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the third in a series of bills intended to support American companies and American workers. Earlier this week, I introduced S. Con. Res. 12, which would set some minimum standards for future trade agreements into which our country enters, and S. 395, which would strengthen the Buy American Act. Today I am introducing legislation that would help workers who have lost their manufacturing or service sector jobs to be retrained for jobs in high-demand health care fields.

According to the Wisconsin Department of Workforce Development, Wisconsin has lost nearly 80,000 manufacturing jobs since 2000. Nationally, the country has lost more than 2.5 million manufacturing jobs since January 2001. In addition to the loss of manufacturing jobs, I am deeply troubled by the Bush administration's contention that the outsourcing of American service sector and other jobs is good for the economy. I am concerned about the message that this policy sends to Wisconsinites and all Americans who are currently employed in these sectors.

There is something of a silver lining to the looming cloud of manufacturing and other jobs loss: the country's workforce development system.

In spite of stretched resources and long waiting lists for services, our workforce development boards are making a tremendous effort to retrain laid-off workers and other job seekers for new jobs. And this effort is clearly evident in Wisconsin, where my State's 11 workforce development boards are leading the way in finding innovative solutions to retraining workers for new careers on shoestring budgets.

I strongly support the work of these agencies and have urged the administration and Senate appropriators to provide adequate funding for the job training programs authorized by the Workforce Investment Act. I regret that the administration's budget request for fiscal year 2006 does not provide adequate funding for WIA, and I will continue to work to ensure that the workforce development boards in my State and across our country receive the resources they need to help job seekers get the training they need to be successful.

I am committed to finding resources to retrain those who have been laid off from the manufacturing and service sectors and who wish to find new jobs in high-demand fields such as health care.

As most of my colleagues know all too well, we are facing a significant shortage of health care workers. Congress has made some progress in addressing the nursing shortage, but we need to expand our efforts. Shortages of health professionals pose a real threat to the health of our communities by impacting access to timely, high-quality health care. Studies have shown that shortages of nurses in our hospitals and health facilities increase medical errors, which directly affects patient health.

As our population ages, and the baby boomers need more health care, our need for all types of health professionals is only going to increase. This is particularly true for the field of long-term care. According to the Bureau of Labor Statistics, we are going

to need an additional 1.2 million nursing aides, home health aides, and other health professionals in long-term care before the year 2010.

As our demand for health care workers grows, so does the number of jobs available within this sector. Currently, health services is the largest industry in the country, providing 12.9 million jobs in 2002. It is estimated that 16 percent of all new jobs created between 2002 and 2012 will be in health services. This accounts for 3.5 million new jobs—more than any other industry.

According to the Wisconsin Department of Workforce Development, the surging job growth within health care will translate into a real need for workers) and real opportunity. In Wisconsin alone, there will be an additional 67,430 health care positions by 2012. This represents a 30 percent increase in jobs in health care, over twice the rate of growth for Wisconsin jobs overall.

Mr. President, workforce development agencies in my home State of Wisconsin are already working to support displaced workers in their communities by training them for health care jobs, since there is a real need for workers in these fields. These agencies are helping communities get and maintain access to high-quality health care by ensuring that there are enough health care workers to care for their communities.

As the executive director of one of the workforce development boards in my State put it, ''[t]here are simply not many good quality jobs to replace manufacturing jobs lost to rural communities. The medical professions, by offering a 'living wage' and good benefits, provide an excellent alternative to manufacturing for sustaining a higher, family oriented standard of living.''

I believe we need to support our communities in these efforts by providing them with the resources they need to establish, sustain, or expand these important programs. For that reason, today I am introducing the Community-Based Health Care Retraining Act. This bill would amend the Workforce Investment Act to authorize a demonstration project to provide grants to community-based coalitions, led by local workforce development boards, to create programs to retrain unemployed workers who wish to obtain new jobs in the health care professions. My bill would authorize a total of $25 million for grants between $100,000 and $500,000, and, in the interest of fiscal responsibility, it ensures that the cost of these grants would be offset.

This bill will help provide communities with the resources they need to run retraining programs for the health professions. The funds could be used for a variety of purposes—from increasing the capacity of our schools and training facilities, to providing financial and social support for workers who are in retraining programs. This bill allows for flexibility in the use of grant funds because I believe that communities know best about the resources they need to run an efficient program.

This bill represents a nexus in my efforts to support workers whose jobs have been shipped overseas and to ensure that all Americans have access to the high-quality health care that they deserve. By providing targeted assistance to train laid-off workers who wish to obtain new jobs in the health care sector, we can both help unemployed Americans and improve the availability and quality of health care that is available in our communities.

I am pleased that this bill is supported by a variety of organizations that are committed to providing high-quality job training and health care services, including the National Association of Workforce Boards, the Wisconsin Association of Job Training Executives, the Wisconsin Hospital Association, the Northwest Wisconsin Concentrated Employment Program, the Northwest Wisconsin Workforce Investment Board, the Southwestern Wisconsin Workforce Development Board, the West Central Wisconsin Workforce Development Board, and the Workforce Development Board of South Central Wisconsin.

Mr. President, in order to ensure that our workers are able to compete in the new economy, we must ensure that they have the tools they need to be trained or retrained for high-demand jobs such as those in the health care field. My bill is a small step toward providing the resources necessary to achieve this goal. I will continue to work to strengthen the American manufacturing sector and to support those workers who have been displaced due to bad trade agreements and other policies that have led to the loss of American jobs.

By Ms. STABENOW (for herself, Mr. CARPER, Mr. KENNEDY, Mr. SCHUMER, Mr. BINGAMAN, and Mr. JOHNSON):

S. 445. A resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing the Medicare Prescription Drug Price Reduction Act of 2005, and am pleased to be joined by my colleagues, Senators CARPER, KENNEDY, SCHUMER, BINGAMAN, and JOHNSON.

This legislation is very simple and very straightforward: it would allow the Secretary of Health and Human Services to negotiate directly with pharmaceutical manufacturers on behalf of our seniors and the disabled to get the lowest possible prices.

Last week we learned that the Medicare prescription drug benefit will cost more than 1 trillion dollars—$1.2 trillion to be exact—just for the years 2006 through 2015.

Some of our colleagues are responding to the news of the $1.2 trillion price tag with plans to reduce the benefit. But the benefit as currently structured is far from comprehensive. Seniors are responsible for $420 in premiums, and a $250 deductible before they get one penny's worth of help towards the cost of their prescription drugs. Once the benefit kicks in, they will face a hefty copayment, and many will fall into the infamous ''hole'' in the benefit and—at the same time they continue to pay premiums—not get any assistance at all.

Even with a $1.2 trillion pricetag, our seniors will have to shoulder two-thirds of the cost of their prescription drugs. Neither the seniors and disabled, nor the taxpayers, should be paying so much for so little.

Last week's news of the cost of the benefit makes it clear that we must give Medicare the ability to use the market power of 41 million people to secure the lowest prices possible for seniors, the disabled, and the American taxpayer.

Our response to the new cost estimate shouldn't be to reduce the already meager benefit but to use our dollars more efficiently. The change that my colleagues and I are seeking would allow us to improve the drug benefit—by lowering the cost of the drugs, we could fill in the gaps in coverage and provide a more meaningful benefit.

Former HHS Secretary Thompson said at his December 3rd resignation press conference that he would have liked to have had the opportunity to negotiate lower drug prices.

I expect Secretary Thompson knows what every smart buyer knows: the more you are buying of anything, the better deal you get. We all know that Sam's Club gets the best prices on breakfast cereal, batteries, and paper towels because they represent a huge market.

And now that Secretary Leavitt is tasked with running the program, we should give him as many tools as possible to run this program at the lowest possible cost.

Today the only entity in this country that cannot bargain for lower group prices is Medicare. The States, Fortune 500 companies, large pharmacy chains, and the Veterans' Administration use their bargaining clout to obtain lower drug prices for the patients they represent.

Medicare should have that same ability. It doesn't make any sense to prohibit the Secretary from using the clout of our 41 million seniors to help get them the best possible prices on prescription drugs.

I urge my colleagues to join me in passing this commonsense approach to providing real savings for our seniors and the disabled, and ensuring the most efficient use of taxpayer dollars.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Prescription Drug Price Reduction Act of 2005''.

SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that each part D eligible individual who is enrolled under a prescription drug plan or an MA–PD plan pays the lowest possible price for covered part D drugs, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements of this part and in furtherance of the goals of providing quality care and containing costs under this part.''.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 446. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to offer legislation that would designate New Jersey's elite urban search and rescue team, New Jersey Task Force One, as part of the National Urban Search and Rescue Response System.

I am proud to be joined by my colleague from New Jersey, Senator FRANK LAUTENBERG, in introducing this legislation today. And I am also pleased that my colleague, Congressman RODNEY FRELINGHUYSEN, has introduced similar legislation in the House of Representatives.

New Jersey Task Force One is a team comprised of career and volunteer fire, police, and EMS personnel from all 21 counties in New Jersey. The primary mission of the NJTFO is to provide advanced technical search and rescue capabilities to victims who are trapped or entombed in collapsed buildings. The NJTFO is a world-class operation whose response system mirrors the Federal Emergency Management Agencies guidelines on urban search and rescue and the appropriate National Fire Protection Association Standards.

The training, commitment, and expertise of the NJTFO has saved lives. In fact, New Jersey Task Force One was one of the first units to arrive on the scene at the World Trade Center on September 11, and they bravely conducted search, rescue, medical, and planning and logistics operations on site.

In this era of terrorism and heightened homeland security we should be doing all we can to show our commitment to our first responders. This designation would do just that for New Jersey Task Force One. More importantly, by making NJTFO a part of the National Urban Search and Rescue Team they would be eligible for Federal funding that is vital to helping them fulfill their mission. The honor of joining the other 28 members of the National Urban Search and Rescue Response System is a recognition that the NJTFO is more than deserving of.

I urge the Senate to enact this legislation and ask for a copy of this bill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION OF TASK FORCE TO NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) FINDINGS.—Congress finds that—

(1) the terrorist attacks of September 11, 2001, demonstrated the importance of enhancing national domestic terrorism preparedness;

(2) 26 of the 28 urban search and rescue task forces included in the National Urban Search and Rescue Response System of the Federal Emergency Management Agency were called into action in the wake of the events of September 11;

(3) highly qualified, urban search and rescue teams not included in the National Urban Search and Rescue Response System were the first teams in New York City on September 11;

(4) the continuing threat of a possible domestic terrorist attack remains an important mission for which the United States must prepare to respond; and

(5) part of that response should be to increase the number of urban search and rescue task forces included in the National Urban Search and Rescue Response System.

(b) ADDITION OF NEW JERSEY TASK FORCE 1.—The Director of the Federal Emergency Management Agency shall designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System.

By Mr. DOMENICI:

S. 447. A bill to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DOMENICI. Mr. President, today I rise to introduce an uncontroversial piece of legislation that I hope will receive prompt committee action and will make its way quickly to the President's desk for his signature.

I would first like to familiarize the Senate with the important mission and related work of the Chihuahuan Desert Nature Park in Las Cruces, NM. The Chihuahuan Desert is the largest desert in North America and contains a great diversity of unique plant and animal species. The ecosystem makes up an indispensable part of Southwest's treasured ecological diversity. As such, it is important that we teach our young ones an appreciation for New Mexico's biological diversity and impart upon them the value of this ecological treasure.

The Chihuahuan Desert Nature Park is a nonprofit institution that has spent the past 6 years providing hands-on science education to K–12th graders. To achieve this mission, the Nature Park provides classroom presentation, field trips, schoolyard ecology projects, and teacher work shops. The Nature Park serves more than 11,000 students and 600 teachers annually. This instruction will enable our future leaders to make informed decisions about how best to manage these valuable resources. I commend those at the Nature Park for taking the initiative to create and administer a wonderfully successful program that has been so beneficial to the surrounding community.

The Chihuahuan Desert Nature Park was granted a 1,000 acre easement in 1998 at the southern boundary of USDA–Agriculture Research Service, USDA–ARS, property just north of Las Cruces, NM. This easement will expire soon. It is important that we provide them a permanent location so that they are able to continue their valuable mission.

The bill I introduce today would transfer an insignificant amount of land: 1,000 of 193,000 USDA acres to the Desert Nature Park so that they may continue their important work. The USDA–ARS has approved the land transfer, noting the critically important mission of the Desert Park. I have no doubt that Senators on both sides of the aisle will recognize the importance of this land transfer.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jornada Experimental Range Transfer Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Chihuahuan Desert Nature Park Board.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK BOARD.

(a) CONVEYANCE.—The Secretary may convey to the Board, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) consists of not more than 1000 acres of land selected by the Secretary—

(1) that is located in the Jornada Experimental Range in the State of New Mexico; and

(2) that is subject to an easement granted by the Agricultural Research Service to the Board.

(c) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the condition that the Board pay—

(A) the cost of any surveys of the land; and

(B) any other costs relating to the conveyance;

(2) any rights-of-way to the land reserved by the Secretary;

(3) a covenant or restriction in the deed to the land described in subsection (b) requiring that—

(A) the land may be used only for educational purposes;

(B) if the land is no longer used for the purposes described in subparagraph (A), the land shall, at the discretion of the Secretary, revert to the United States; and

(C) if the land is determined by the Secretary to be environmentally contaminated under subsection (d)(2)(A), the Board shall remediate the contamination; and

(4) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (c)(3)(A)—

(1) the land shall, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Board or any other person responsible for the contamination shall remediate the contamination.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, and Mrs. MURRAY):

S. 448. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Ms. MURKOWSKI. Mr. President, this week the people of my State of Alaska pause to recognize two giant figures in the fight for equal rights and justice under the law, the late Elizabeth and Roy Peratrovich. On February 16, 2005, the State of Alaska once again observed Elizabeth Peratrovich Day. Activities to celebrate the legacy of Elizabeth and Roy Peratrovich are taking place in schools and cultural centers throughout Alaska this week. This coming Saturday, the Alaska Native Heritage Center in Anchorage will conduct a day-long celebration of the Peratrovich legacy.

Roy and Elizabeth are to the Native peoples of Alaska what Dr. Martin Luther King, Jr., and Rosa Parks are to African Americans. Everybody knows about Dr. Martin Luther King, Jr. and Rosa Parks, but hardly anyone outside the State of Alaska knows about Roy and Elizabeth Peratrovich. Today, I rise to once again share the Peratrovich legacy with the Senate.

Elizabeth was born in 1911, about 17 years before Dr. King. She was born in Petersburg, AK. After college she married Roy Peratrovich, a Tlingit from Klawock, AK, and the couple had three children. Roy and Elizabeth moved to Juneau. They were excited about buying a new home. But they could not buy the house that they wanted because they were Native. They could not enter the stores or restaurants they wanted. Outside some of these stores and restaurants there were signs that read ''No Natives Allowed.'' History has also recorded a sign that read ''No Dogs or Indians Allowed.''

On December 30, 1941, following the invasion of Pearl Harbor, Elizabeth and Roy wrote to Alaska's Territorial Governor:

> In the present emergency our Native boys are being called upon to defend our beloved country. There are no distinctions being made there. Yet when we patronized good business establishments we are told in most cases that Natives are not allowed.
>
> The proprietor of one business, an inn, does not seem to realize that our Native boys are just as willing to lay down their lives to protect the freedom he enjoys. Instead he shows his appreciation by having a 'No Natives Allowed' sign on his door.

In that letter Elizabeth and Roy noted:

> We were shocked when the Jews were discriminated against in Germany. Stories were told of public places having signs, ''No Jews Allowed.'' All freedom loving people were horrified at what was being practiced in Germany, yet it is being practiced in our own country.

In 1943, the Alaska Legislature, at the behest of Roy and Elizabeth considered an antidiscrimination law. It was defeated. But Roy and Elizabeth were not defeated. Two years later, in 1945, the antidiscrimination measure was back before the Alaska Terrritorial Legislature. It passed the lower house, but met with stiff opposition in the Territorial Senate.

One by one Senators took to the floor to debate the closely contested legislation. One Senator argued that ''the races should be kept further apart.'' This Senator went on to rhetorically question, ''Who are these people, barely out of savagery, who want to associate with us whites with 5,000 years of recorded civilization behind us?''

Elizabeth Peratrovich was observing the debate from the gallery. As a citizen, she asked to be heard and in accordance with the custom of the day was recognized to express her views.

In a quiet, dignified and steady voice this ''fighter with velvet gloves'' responded, ''I would not have expected that I, who am barely out of savagery, would have to remind gentlemen with 5,000 years of recorded history behind them of our Bill of Rights.''

She was asked by a Senator if she thought the proposed bill would eliminate discrimination, Elizabeth Peratrovich queried in rebuttal, ''Do your laws against larceny and even murder prevent these crimes? No law will eliminate crimes but at least you as legislators can assert to the world that you recognize the evil of the present situation and speak your intent to help us overcome discrimination.''

When she finished, there was a wild burst of applause from the gallery and the Senate floor alike. The territorial Senate passed the bill by a vote of 11 to 5. On February 16, 1945, Alaska had an antidiscrimination law that provided that all citizens of the territory of Alaska are entitled to full and equal enjoyment of public accommodations. Following passage of the anti-discrimination law, Roy and Elizabeth could be seen dancing at the Baranof Hotel, one of Juneau's finest. They danced among people they didn't know. They danced in a place where the day before they were not welcome.

There is an important lesson to be learned from the battles of Elizabeth and Roy Peratrovich. Even in defeat, they knew that change would come from their participation in our political system. They were not discouraged by their defeat in 1943. They came back fighting and enjoyed the fruits of their victory 2 years later.

Twenty-four years before Alaska's statehood and 18 years before Dr. Martin Luther King, Jr. spoke of his dream for racial equity under the law, Alaska had a law protecting civil rights. Elizabeth would not live to see the United States adopt the same law she brought to Alaska in 1945. She passed away in 1958 at the age of 47, 6 years before civil rights legislation would pass nationally.

In addition to the annual observance of Elizabeth Peratrovich Day, the State of Alaska has acknowledged Elizabeth Peratrovich's contribution to history by designating one of the public galleries in the Alaska House of Representatives as the Elizabeth Peratrovich Gallery.

But what about Roy? Why has his role not been recognized? Roy Peratrovich passed away in 1989 at age 81. He died 9 days before the first Elizabeth Peratrovich Day was observed in the State of Alaska. Perhaps it was because Roy was still alive at the time this honor was bestowed, it is Elizabeth who has gotten all the credit for passage of the antidiscrimination

Members of the Peratrovich family tell me that this is not entirely unjustified because without Elizabeth's stirring speech the antidiscrimination law would not have passed. But they also point out, as does the historical record, that Elizabeth and Roy were a focused and effective team. History should recognize that the antidiscrimination law was enacted due to the joint efforts of Roy and Elizabeth Peratrovich. I rise today to do my part toward that end.

Joined by my colleagues, the distinguished senior Senator from Alaska, Mr. STEVENS, and my distinguished colleague from the State of Washington, Ms. CANTWELL, I am pleased to once again offer legislation to recognize the contributions of Roy and Elizabeth Peratrovich with a Congressional Gold Medal. I invite all of my colleagues to join with me in cosponsoring this important legislation. Congressional Gold

Medals have been awarded to a number of African Americans who have made contributions to the cause of civil rights, among them, Rosa Parks, Roy Wilkins, Dorothy Height, the nine brave individuals who desegregated the schools of Little Rock, Arkansas, and others involved in the effort to desegregate public education.

With the opening of the very popular National Museum of the American Indian last year our Nation is focusing on the many contributions of our first people and the challenges they have faced throughout our Nation's history. It is time that we also acknowledge the work of American Indians, Alaska Natives and Native Hawaiians in the struggle for civil rights and social justice. Honoring Elizabeth and Roy Peratrovich's substantial contribution with a Congressional Gold Medal is a fine start.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Elizabeth Wanamaker, a Tlingit Indian, was born on July 4, 1911, in Petersburg, Alaska.

(2) Elizabeth married Roy Peratrovich, a Tlingit Indian from Klawock, Alaska, on December 15, 1931.

(3) In 1941, the couple moved to Juneau, Alaska.

(4) Roy and Elizabeth Peratrovich discovered that they could not purchase a home in the section of Juneau in which they desired to live due to discrimination against Alaska Natives.

(5) In the early 1940s, there were reports that some businesses in Southeast Alaska posted signs reading ''No Natives Allowed''.

(6) Roy, as Grand President of the Alaska Native Brotherhood, and Elizabeth, as Grand President of the Alaska Native Sisterhood, petitioned the Territorial Governor and the Territorial Legislature to enact a law prohibiting discrimination against Alaska Natives in public accommodations.

(7) Rebuffed by the Territorial Legislature in 1943, they again sought passage of an anti-discrimination law in 1945.

(8) On February 8, 1945, as the Alaska Territorial Senate debated the anti-discrimination law, Elizabeth, who was sitting in the visitor's gallery of the Senate, was recognized to present her views on the measure.

(9) The eloquent and dignified testimony given by Elizabeth that day is widely credited for passage of the anti-discrimination law.

(10) On February 16, 1945, Territorial Governor Ernest Gruening signed into law an act prohibiting discrimination against all citizens within the jurisdiction of the Territory of Alaska in access to public accommodations and imposing a penalty on any person who shall display any printed or written sign indicating discrimination on racial grounds of such full and equal enjoyment.

(11) 19 years before Congress enacted the Civil Rights Act of 1964, and 18 years before the Reverend Dr. Martin Luther King, Jr. delivered his ''I Have a Dream'' speech, one of America's first antidiscrimination laws was enacted in the Territory of Alaska, thanks to the efforts of Elizabeth and Roy Peratrovich.

(12) Since 1989, the State of Alaska has observed Elizabeth Peratrovich Day on February 16 of each year, and a visitor's gallery of the Alaska House of Representatives in the Alaska State Capitol has been named for Elizabeth Peratrovich.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED. —The President is authorized, on behalf of the Congress, to posthumously award a gold medal of appropriate design to Elizabeth Wanamaker Peratrovich and Roy Peratrovich, in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such sum as may be appropriate to pay for the cost of the medals authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Ms. MURKOWSKI:

S. 449. A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes; to the Committee on Indian Affairs.

Ms. MURKOWSKI. Mr. President, more than 30 years have passed since Congress enacted the Alaska Native Claims Settlement Act which settled the aboriginal land claims of the first inhabitants of Alaska by making each eligible Alaska Native a shareholder in 1 of 13 regional corporations and many of these people shareholders in a village corporation as well. Each of the corporations was capitalized with land and money.

The Alaska Native Claims Settlement Act was a bold experiment, and its implementation was not without controversy. As originally enacted, the law provided that a shareholder of an Alaska Native Corporation could sell his or her stock on or after December 18, 1991, without any intervening action by the corporation.

This provision could have resulted in massive sales of stock by Native shareholders in the ensuing years and caused the wholesale transfer of Native assets to non-Native interests. Thanks to the leadership of the Senator from Alaska, Mr. STEVENS, this catastrophe was averted through a series of amendments to the Act, signed into law in 1987, which forbade the sale of corporate stock without the consent of the corporation's shareholders.

This landmark legislation brought an end to the speculation about whether the Native corporations would survive long enough to fulfill the goal that Congress set for them, which was to be the springboard for the economic, social and political empowerment of Alaska's Native people, or alternatively execute the temporary transfer of land and capital which would ultimately end up in non-Native hands. I am proud, that none of the Native corporations have opened their stock to purchase by outsiders. In fact, I see nothing on the horizon to suggest that any of the corporations will take up this question in the foreseeable future.

If history is any guide, the Alaska Native Corporations are destined to remain in Native hands for a long time to come. This is good news for the Native people of Alaska and it is good news for my State as a whole.

I rise today to offer legislation, requested by the Alaska Federation of Natives and the Association of ANCSA Presidents and CEOs, which is intended to address a piece of unfinished business left by the 1987 amendments to the act.

Under the act, as originally passed, stock in an Alaska Native corporation was generally only available to an Alaska Native born on or before December 18, 1971 and those who might inherit stock from a deceased shareholder. The original legislation gave little thought to offering those born after December 18, 1971 a role in the corporation. In effect, the original legislation disenfranchised an entire generation born after the cutoff date from having a stake in the Native corporations. It disenfranchised an entire generation of young people from playing a role in the governance of the Native corporations and from having an ownership interest in their Native lands.

The 1987 amendments allowed the shareholders of a Native corporation to remedy this unintended consequence by allowing new stock to be issued to the descendants of a corporation's original shareholders provided that a majority of the outstanding shares agreed. Under the 1987 amendments, such stock could only be issued to those descendants who had one quarter or more Alaska Native blood. A subsequent technical amendment allowed the stock to be issued to descendants without regard to their blood quantum, at the option of each corporation's shareholders.

Time has demonstrated that the remedy for incorporating the generation

born after December 18, 1971 is an imperfect one. This is sad because one of the most important responsibilities faced by the Board of Directors of any corporation is to plan for its own succession and the succession of the corporation's leadership.

Since 1987, less than a handful of the 13 regional Native corporations have put the question of enrolling the next generation to their shareholders. However, all of the corporations that have considered the question have voted in the affirmative.

Why then have more corporations not taken the question to a vote? The answer seems to lie in the voting requirements imposed by the 1987 amendments, which essentially requires an affirmative vote of a supermajority of the shares represented in person or by proxy at a shareholder meeting. In order for a corporation to obtain an affirmative vote of a majority of its outstanding shares, something of the order of 80 percent of the corporation's stockholders must be represented at the meeting in person or by proxy. Under present law, any shareholder who does not attend the meeting or submit a proxy is deemed to have voted in the negative.

When Doyon, Limited, the regional Native corporation for Interior Alaska, took the question of enrolling the generation of descendants born between 1971 and 1992 to its shareholders at its 1992 annual meeting, some 79.2 percent of the shareholders expressed an opinion in person or proxy. Still, the decision to approve the enrollment passed by the narrowest of margins. This was a record quorum for the corporation, which had 9,061 original shareholders, and the record has yet to be broken.

Sealaska Corporation, the regional Native corporation for Southeast Alaska, had more original shareholders than any other regional Native corporation. Sealaska had 15,700 original shareholders, each owning 100 shares of stock. Sealaska has never enjoyed a quorum of 79.2 percent and is pessimistic that such a quorum could ever be mustered. Accordingly, Sealaska, which has been pondering the question of enrolling the next generation for many years, has been deterred from putting the question to a stockholder vote by the supermajority voting requirement in the 1987 amendment.

Whether Sealaska enrolls the generation born after 1971 is not up to me. It is up to the shareholders of Sealaska. But I think the Congress owes it to the next generation of Alaska Natives to offer a level playing field when it comes to participation in their Native corporations.

In addressing the Alaska Native community, I often make reference to a marvelous book by Alexandra J. McClanahan entitled ''Growing Up Native in Alaska.'' In this book, A.J. profiled 27 Alaska Natives born between 1957 and 1976 and allowed them in their own words to speak about what it means to be an Alaska Native. Some of the people profiled in the book received stock under the 1971 act while others missed the deadline. I will quote from this book for the RECORD.

One of these 27 Alaska Natives is Jaeleen Kookesh-Araujo, a Tlingit Indian, who grew up in the village of Angoon, AK. Jaeleen is a bright young attorney who works at one of Washington's most respected law firms. She is precisely the type of person who is well positioned to lead her regional corporation, Sealaska, into the future. And she is one of many Alaska Natives who was born after December 18, 1971. Jaeleen has an opportunity to participate in Sealaska's governance because her parents gave her some of their stock as a gift, but she remains concerned that others of her generation have been left out.

This is what Jaeleen said about why it is important to make stock available to the descendants.

I am a shareholder thanks to my parents gifting me shares, but there are a lot of young people who are never going to be shareholders. If you have one parent with several children, they can try to allocate shares to all of them, but some may be left out. Or, maybe you have a Native child who has been adopted who doesn't have parents with shares—whatever. There are going to be a lot of young Native people left out of this corporate structure, and it's really sad. Eventually, there may be a problem because you're going to have a lot of young, talented Alaska Native people going out to get educated. They're going to have a lot of expertise and education in ways that might benefit the corporation, and yet you have to wonder if they're really going to want to be involved in these Native corporations that they don't even belong to. I do want to be involved in the Native corporations because this is my ancestors' land that they're managing and developing and protecting . . .

I am not going to tell you that each of the 27 young people that A.J. profiled feels the same way. Another young Native profiled in A.J.'s book supported the status quo in spite of the fact that he was born 2 days after the cutoff.

I really don't think it's necessary to adjust for the future generations. The idea of gifting and willing stock is a really efficient method, and I think we ought to stick with that, rather than having to expand and degrade the stock, allowing the children to be shareholders. It's unfair that we as children born after December 18th are not shareholders, but in order to keep the integrity of the stock, I think it's essential that we continue on with the method of granting, gifting and willing stock.

The final quote is from a Doyon shareholder who was involved in that company's decision to make new stock available to those born between 1971 and 1992.

When I first started I thought, ''I don't want my dividend to get smaller.'' I was an intern in Doyon's Shareholder Relations, so I was involved in the committee that was studying the issue to enroll children born after 1971. When it was time to vote, I thought: ''Darned if I'm letting my nieces and nephews not be involved.'' I was a total turnaround. There was no way I was going to leave them out. There was no difference between me and them. They were just born later.

As you can see, there may not be unanimity on the question of whether new stock should be made available to the descendants. But I think we all can agree that the debate is a healthy one and the debate will not take place in earnest unless Congress relaxes the supermajority standard imposed by the 1987 amendments.

The legislation I am introducing today would allow the shareholders of a Native corporation to authorize new stock for those born after December 18, 1971 by a majority vote of the shares present and voting at a duly constituted meeting of the shareholders. Shareholders who want to make the stock available will have the opportunity to vote yes. Those who do not will have the opportunity to vote no. Those who choose not to participate, place the fate of the question in the hands of those who choose to participate. The majority prevails.

The 1987 amendments authorized Native corporations to make additional shares available to Native elders and to enroll those who were eligible to receive stock as original shareholders but who failed to enroll. The number of missed enrollees is expected to be small. My legislation would change the voting standard for these two categories to a majority of the shares present and voting as well.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.

Section 36(d)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended—

(1) by striking ''(d)(3)'' and inserting ''(3)'';

(2) in the matter preceding subparagraph (A), by striking ''of this section'' and inserting ''or an amendment to articles of incorporation under section 7(g)(1)(B)'';

(3) in subparagraph (A)—

(A) by striking '', or'' and inserting ''; or''; and

(B) by striking ''such resolution'' and inserting ''the resolution or amendment to articles of incorporation''; and

(4) in subparagraph (B), by striking ''such resolution'' and inserting ''the resolution or amendment to articles of incorporation''.

By Mrs. CLINTON (for herself, Mrs. BOXER, Mr. KERRY, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 450. A bill to amend the Help America Vote Act of 2002 to require a voter-verified paper record, to improve provisional balloting, to impose additional requirements under such Act, and for other purposes; to the Committee on Rules and Administration.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Count Every Vote Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—VOTER VERIFICATION AND AUDITING

SEC. 101. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH PRESERVATION OF A VOTER-VERIFIED PAPER RECORD OR HARD COPY.

(a) VOTER VERIFICATION AND MANUAL AUDIT CAPACITY.—

(1) IN GENERAL.—Section 301(a)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is amended to read as follows:

''(2) VOTER VERIFICATION AND MANUAL AUDIT CAPACITY.—

''(A) VOTER VERIFICATION.—

''(i) The voting system shall produce an individual voter-verifiable paper record of the vote that shall be made available for inspection and verification by the voter before the vote is cast.

''(ii) The voting system shall provide the voter with an opportunity to correct any error made by the system in the voter-verifiable paper record before the permanent voter-verified paper record is preserved in accordance with subparagraph (B)(i).

''(B) MANUAL AUDIT CAPACITY.—The permanent voter-verified paper record produced in accordance with subparagraph (A) shall—

''(i) be preserved within the polling place, in the manner, if any, in which all other paper ballots are preserved within that polling place, or, in the manner employed by the jurisdiction for preserving paper ballots in general, for later use in any manual audit;

''(ii) be suitable for a manual audit equivalent to that of a paper ballot voting system; and

''(iii) be available as the official record and shall be the official record used for any recount conducted with respect to any Federal election in which the system is used.''.

(2) PROHIBITION OF USE OF THERMAL PAPER.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

''(7) PROHIBITION OF USE OF THERMAL PAPER.—The voter-verified paper record produced in accordance with paragraph (2)(A) shall not be produced on thermal paper, but shall instead be produced on paper of archival quality.''.

(3) CONFORMING AMENDMENT.—Section 301(a)(1)(A)(ii) of the Help America Vote Act (42 U.S.C. 15481(a)(1)(A)(ii)) is amended by inserting ''and before the paper record is produced under paragraph (2)'' before the semicolon at the end.

(b) VOTER-VERIFICATION OF RESULTS FOR INDIVIDUALS WITH DISABILITIES AND LANGUAGE MINORITY VOTERS.—Paragraph (3) of section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(3)) is amended to read as follows:

''(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES AND FOR LANGUAGE MINORITIES.—

''(A) IN GENERAL.—The voting system shall—

''(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access, participation (including privacy and independence), inspection, and verification as for other voters;

''(ii) be accessible for language minority individuals to the extent required under section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1), in a manner that provides the same opportunity for access, participation (including privacy and independence), inspection, and verification as for other voters;

''(iii) satisfy the requirement of clauses (i) and (ii) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

''(iv) if purchased with funds made available under title II on or after November 1, 2006, meet the voting system standards for disability access (as outlined in this paragraph).

''(B) VERIFICATION REQUIREMENTS.—Any direct recording electronic voting system or other voting system described in subparagraph (A)(iii) shall use a mechanism that separates the function of vote generation from the function of vote casting and shall produce, in accordance with paragraph (2)(A), an individual paper record which—

''(i) shall be used to meet the requirements of paragraph (2)(B);

''(ii) shall be available for visual, audio, and pictorial inspection and verification by the voter, with language translation available for all forms of inspection and verification in accordance with the requirements of section 203 of the Voting Rights Act of 1965;

''(iii) shall not require the voter to handle the paper; and

''(iv) shall not preclude the use of Braille or tactile ballots for those voters who need them.

The requirement of clause (iii) shall not apply to any voting system certified by the Independent Testing Authorities before the date of the enactment of this Act.

''(C) REQUIREMENTS FOR LANGUAGE MINORITIES.—Any record produced under subparagraph (B) shall be subject to the requirements of section 203 of the Voting Rights Act of 1965 to the extent such section is applicable to the State or jurisdiction in which such record is produced.''.

(c) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)), as amended by subsection (a)(2), is amended by adding to the end the following new paragraphs:

''(8) INSTRUCTION OF ELECTION OFFICIALS.—Each State shall ensure that election officials are instructed on the right of any individual who requires assistance to vote by reason of blindness, other disability, or inability to read or write to be given assistance by a person chosen by that individual under section 208 of the Voting Rights Act of 1965.

''(9) PROHIBITION OF USE OF UNDISCLOSED SOFTWARE IN VOTING SYSTEMS.—No voting system shall at any time contain or use any undisclosed software. Any voting system containing or using software shall disclose the source code, object code, and executable representation of that software to the Commission, and the Commission shall make that source code, object code, and executable representation available for inspection upon request to any citizen.

''(10) PROHIBITION OF USE OF WIRELESS COMMUNICATION DEVICES IN VOTING SYSTEMS.—No voting system shall use any wireless communication device.

''(11) CERTIFICATION OF SOFTWARE AND HARDWARE.—All software and hardware used

in any electronic voting system shall be certified by laboratories accredited by the Commission as meeting the requirements of paragraphs (9) and (10).

''(12) SECURITY STANDARDS FOR MANUFACTURERS OF VOTING SYSTEMS USED IN FEDERAL ELECTIONS.—

''(A) IN GENERAL.—No voting system may be used in an election for Federal office unless the manufacturer of such system meets the requirements described in subparagraph (B).

''(B) REQUIREMENTS DESCRIBED.—The requirements described in this subparagraph are as follows:

''(i) The manufacturer shall conduct background checks on individuals who are programmers and developers before such individuals work on any software used in connection with the voting system.

''(ii) The manufacturer shall document the chain of custody for the handling of software used in connection with voting systems.

''(iii) The manufacturer shall ensure that any software used in connection with the voting system is not transferred over the Internet.

''(iv) In the same manner and to the same extent described in paragraph (9), the manufacturer shall provide the codes used in any software used in connection with the voting system to the Commission and may not alter such codes once certification by the Independent Testing Authorities has occurred unless such system is recertified.

''(v) The manufacturer shall implement procedures to ensure internal security, as required by the Director of the National Institute of Standards and Technology.

''(vi) The manufacturer shall meet such other requirements as may be established by the Director of the National Institute of Standards and Technology.''.

(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this section on and after November 1, 2006.

SEC. 102. REQUIREMENT FOR MANDATORY RECOUNTS.

On and after the date of the enactment of this Act, the Election Assistance Commission shall conduct random unannounced manual mandatory recounts of the voter-verified records of each election for Federal office (and, at the option of the State or jurisdiction involved, of elections for State and local office held at the same time as such an election for Federal office) in 2 percent of the polling locations (or, in the case of any polling location which serves more than 1 precinct, 2 percent of the precincts) in each State and with respect to 2 percent of the ballots cast by uniformed and overseas voters immediately following the election and shall promptly publish the results of those recounts in the Federal Register. In addition, the verification system used by the Election Assistance Commission shall meet the error rate standards described in section 301(a)(5) of the Help America Vote Act of 2002.

SEC. 103. SPECIFIC, DELINEATED REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF BEST PRACTICES.

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381 et seq.) is amended by—

(1) redesignating section 247 as section 248; and

(2) by inserting after section 246 the following new section:

''SEC. 247. STUDY, TESTING, AND DEVELOPMENT OF BEST PRACTICES TO ENHANCE ACCESSIBILITY AND VOTER-VERIFICATION MECHANISMS FOR DISABLED VOTERS.

''The Election Assistance Commission shall study, test, and develop best practices to enhance accessibility and voter-verification mechanisms for individuals with disabilities.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 104. VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING.

(a) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

''PART 7—VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING

''SEC. 297. VOTER-VERIFICATION AND AUDIT CAPACITY FUNDING.

''(a) PAYMENTS TO STATES.—Subject to subsection (b), not later than the date that is 30 days after the date of the enactment of the Count Every Vote Act of 2005, the Election Assistance Commission shall pay to each State an amount to assist the State in paying for the implementation of the voter-verification and audit capacity requirements of paragraphs (2) and (3) of section 301(a), as amended by subsections (a) and (b) of section 2 of such Act.

''(b) LIMITATION.—The amount paid to a State under subsection (a) for each voting system purchased by a State may not exceed the average cost of adding a printer with accessibility features to each type of voting system that the State could have purchased to meet the requirements described in such subsection.

''SEC. 298. APPROPRIATION.

''There are authorized and appropriated $500,000,000 to the Election Assistance Commission, without fiscal year limitation, to make payments to States in accordance with section 297(a). Furthermore, there are authorized and appropriated $20,000,000 to the Election Assistance Commission, for each of fiscal years 2006 through 2010, in addition to any amounts otherwise appropriated for administrative costs to assist with conducting recounts, the implementation of voter verification systems, and improved security measures.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 105. REPORTS AND PROVISION OF SECURITY CONSULTATION SERVICES.

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381 et seq.), as amended by section 103, is amended by—

(1) redesignating section 248 as section 249; and

(2) by inserting after section 247 the following new section:

''SEC. 248. REPORTS AND PROVISION OF SECURITY CONSULTATION SERVICES.

''(a) REPORT TO CONGRESS ON SECURITY REVIEW.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit to Congress a report on a proposed security review and certification process for all voting systems used in elections for Federal office, including a description of the certification process to be implemented under section 231.

''(b) REPORT TO CONGRESS ON OPERATIONAL AND MANAGEMENT SYSTEMS.—Not later than 3 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall submit to Congress a report on operational and management systems applicable with respect to elections for Federal office, including the security standards for manufacturers described in section 301(a)(7), that should be employed to safeguard the security of voting systems, together with a proposed schedule for the implementation of each such system.

''(c) PROVISION OF SECURITY CONSULTATION SERVICES.—

''(1) IN GENERAL.—On and after the date of the enactment of the Count Every Vote Act of 2005, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall provide security consultation services to States and local jurisdictions with respect to the administration of elections for Federal office.

''(2) APPROPRIATION.—To carry out the purposes of paragraph (1), $2,000,000 is appropriated for each of fiscal years 2006 through 2010.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 106. IMPROVEMENTS TO VOTING SYSTEMS.

(a) IN GENERAL.—Subparagraph (B) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is amended by striking '', a punch card voting system, or a central count voting system''.

(b) CLARIFICATION OF REQUIREMENTS FOR PUNCH CARD SYSTEMS.—Subparagraph (A) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)) is amended by inserting ''punch card voting system,'' after ''any''.

(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this section on and after November 1, 2006.

(d) RESIDUAL VOTE BENCHMARK.—.

(1) IN GENERAL.—The error rate of the voting system (as defined under section 301 of the Help America Vote Act of 2002) in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by Election Assistance Commission.

(2) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in paragraph (1), the Election Assistance Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Commission shall base the benchmark issued and maintained under this subparagraph on evidence of good practices in representative jurisdictions.

(3) HISTORICALLY HIGH INTENTIONAL UNDERVOTES.—

(A) Congress finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting in elections for Federal office, relative to the rest of the Nation.

(B) In establishing the benchmark described in subparagraph (B), the Election Assistance Commission shall—

(i) study and report to Congress on the occurrences of distinct communities that have significantly higher than average rates of historical intentional undervoting; and

(ii) promulgate for local jurisdictions in which that distinct community has a substantial presence either a separate benchmark or an exclusion from the national benchmark, as appropriate.

TITLE II—PROVISIONAL BALLOTS

SEC. 201. REQUIREMENTS FOR CASTING AND COUNTING PROVISIONAL BALLOTS.

(a) ELIGIBILITY OF PROVISIONAL BALLOTS.—

(1) IN GENERAL.—Paragraph (4) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended by inserting at the end the following new sentence: ''The determination of eligibility shall be made without regard to the location at which the voter cast the provisional ballot and without regard to any requirement to present identification to any election official.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to States and jurisdictions on and after November 1, 2006.

(b) TIMELY PROCESSING OF BALLOTS.—

(1) IN GENERAL.—Subsection (a) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The appropriate State election official shall develop, according to guidelines established by the Election Assistance Commission, reasonable procedures to assure the timely processing and counting of provisional ballots, including—

''(A) standards for timely processing and counting to assure that, after the conclusion of the provisional vote count, parties and candidates may have full, timely, and effective recourse to the recount and contest procedures provided by State law; and

''(B) standards for the informed participation of candidates and parties such as are consistent with reasonable procedures to protect the security, confidentiality, and integrity of personal information collected in the course of the processing and counting of provisional ballots.''.

(2) EFFECTIVE DATE.—Subsection (d) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(d)) is amended—

(A) by striking ''Each State'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), each State''; and

(B) by inserting at the end the following new paragraph:

''(2) PROCESSING.—Each State shall be required to comply with the requirements of subsection (a)(6) on and after the date that is 6 months after the date of the enactment of the Count Every Vote Act of 2005.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date of enactment of this Act.

TITLE III—ADDITIONAL REQUIREMENTS UNDER THE HELP AMERICA VOTE ACT OF 2002

Subtitle A—Shortening Voter Wait Times

SEC. 301. MINIMUM REQUIRED VOTING SYSTEMS, POLL WORKERS, AND ELECTION RESOURCES.

(a) MINIMUM REQUIREMENTS.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle C—Additional Requirements

''SEC. 321. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems, poll workers, and other election resources (including all other physical resources) for each voting site on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 299.

''(b) VOTING SITE.—For purposes of this section and section 299, the term 'voting site' means a polling location, except that in the case of any polling location which serves more than 1 precinct, such term shall mean a precinct.

''(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and subtitle C''.

(b) STANDARDS.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle E—Guidance and Standards

''SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

''(a) IN GENERAL.—Not later than January 1, 2006, the Commission shall issue standards regarding the minimum number of voting systems, poll workers, and other election resources (including all other physical resources) required under section 321 on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

''(b) DISTRIBUTION.—

''(1) IN GENERAL.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory distribution of such systems, workers, and other resources, and shall take into account, among other factors, the following with respect to any voting site:

''(A) The voting age population.

''(B) Voter turnout in past elections.

''(C) The number of voters registered.

''(D) The number of voters who have registered since the most recent Federal election.

''(E) Census data for the population served by such voting site.

''(F) The educational levels and socio-economic factors of the population served by such voting site.

''(G) The needs and numbers of disabled voters and voters with limited English proficiency.

''(H) The type of voting systems used.

''(2) NO FACTOR DISPOSITIVE.—The standards shall provide that any distribution of such systems shall take into account the totality of all relevant factors, and no single factor shall be dispositive under the standards.

''(3) PURPOSE.—To the extent possible, the standards shall provide for a distribution of voting systems, poll workers, and other election resources with the goals of—

''(A) ensuring an equal waiting time for all voters in the State; and

''(B) preventing a waiting time of over 1 hour at any polling place.

''(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon giving reasonable public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster or terrorist attack.''.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) carrying out the duties described under subtitle E;''.

SEC. 302. REQUIREMENTS FOR JURISDICTIONS WITH SUBSTANTIAL VOTER WAIT TIMES.

(a) IN GENERAL.—The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.) is amended by adding at the end the following new title:

''TITLE X—REMEDIAL PLANS FOR STATES WITH EXCESSIVE VOTER WAIT TIMES

''SEC. 1001. REMEDIAL PLANS FOR STATES WITH EXCESSIVE VOTER WAIT TIMES.

''(a) IN GENERAL.—Each jurisdiction for which the Election Assistance Commission determines that a substantial number of voters waited more than 90 minutes to cast a vote in the election on November 2, 2004, shall comply with a State remedial plan established under this section.

''(b) STATE REMEDIAL PLANS.—For each State or jurisdiction which is required to comply with this section, the Election Assistance Commission shall establish a State remedial plan to minimize the waiting times of voters.

''(c) JURISDICTION.—For purposes of this section, the term 'jurisdiction' has the same meaning as the term 'registrar's jurisdiction' under section 8 of the National Voter Registration Act of 1993.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—No-excuse Absentee Voting

SEC. 311. NO-EXCUSE ABSENTEE VOTING.

Subtitle C of title III of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

''SEC. 322. NO-EXCUSE ABSENTEE VOTING.

''(a) IN GENERAL.—Each State and jurisdiction shall permit any person who is otherwise qualified to vote in an election for Federal office to vote in such election in a manner other than in person without regard to any restrictions on absentee voting under State law.

''(b) SUBMISSION AND PROCESSING.—

''(1) IN GENERAL.—Any ballot cast under subsection (a) shall be submitted and processed in the manner provided for absentee ballots under State law.

''(2) DEADLINE.—Any ballot cast under subsection (a) shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for the receipt of absentee ballots under State law, whichever is later.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after October 1, 2006.''.

Subtitle C—Collection and Dissemination of Election Data

SEC. 321. DATA COLLECTION.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 323. PUBLIC REPORTS ON FEDERAL ELECTIONS.

''(a) IN GENERAL.—Not later than 6 months after a Federal election, each State and jurisdiction shall publicly report information on such election, including the following information with respect to the election:

''(1) The total number of individuals of voting age in the population.

''(2) The total number of individuals registered to vote.

''(3) The total number of registered voters who voted.

''(4) The number of absentee and overseas ballots requested, including the numbers of such ballots requested by military personnel and citizens living overseas.

''(5) The number of absentee and overseas ballots cast, including the numbers of such ballots cast by military personnel and citizens living overseas.

''(6) The total number of absentee and overseas ballots counted, including the number of such ballots which were cast by military personnel and citizens living overseas that were counted.

''(7) The total number of absentee and overseas ballots rejected, including the numbers of such ballots which were cast by military personnel and citizens living overseas

that were rejected, and the reasons for any such rejections.

''(8) The number of votes cast in early voting at the polls before the day of the election.

''(9) The number of provisional ballots cast.

''(10) The number of provisional ballots counted.

''(11) The number of provisional ballots rejected and the reasons any provisional ballots were rejected.

''(12) The number of voting sites (within the meaning of section 321(b)) in the State or jurisdiction.

''(13) The number of voting machines in each such voting site on election day and the type of each voting machine.

''(14) The total number of voting machines available in the State or jurisdiction for distribution to each such voting site.

''(15) The total number of voting machines actually distributed to such voting sites (including voting machines distributed as replacement voting machines on the day of the election).

''(16) The total number of voting machines of any type, whether electronic or manual, that malfunctioned on the day of the election and the reason for any malfunction.

''(17) The total number of voting machines that were replaced on the day of the election.

''(b) REPORT BY EAC.—The Commission shall collect the information published under subsection (a) and shall report to Congress not later than 9 months after any Federal election the following:

''(1) The funding and expenditures of each State under the provisions of this Act.

''(2) The voter turnout in the election.

''(3) The number of registered voters and the number of individuals eligible to register who are not registered.

''(4) The number of voters who have registered to vote in a Federal election since the most recent such election.

''(5) The extent to which voter registration information has been shared among government agencies (including any progress on implementing statewide voter registration databases under section 303(a)).

''(6) The extent to which accurate voter information has been maintained over time.

''(7) The number and types of new voting systems purchased by States and jurisdictions.

''(8) The amount of time individuals waited to vote.

''(9) The number of early votes, provisional votes, absentee ballots, and overseas ballots distributed, cast, and counted.

''(10) The amount of training that poll workers received.

''(11) The number of poll workers.

''(12) The number of polling locations and precincts.

''(13) The ratio of the number of voting machines to the number of registered voters.

''(14) any other information pertaining to electoral participation as the Commission deems appropriate.

''(c) Each State and jurisdiction shall be required to comply with the requirements of this section on and after November 1, 2006.''.

Subtitle D—Ensuring Well Run Elections

SEC. 331. TRAINING OF ELECTION OFFICIALS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 324. TRAINING OF ELECTION OFFICIALS.

''(a) IN GENERAL.—Each State and jurisdiction shall require that each person who works in a polling place during an election for Federal office receives adequate training not earlier than 3 months before the election.

''(b) TRAINING.—The training required under subsection (a) shall, at a minimum, include—

''(1) hands-on training on all voting systems used in the election;

''(2) training on accommodating individuals with disabilities, individuals who are of limited English proficiency, and individuals who are illiterate;

''(3) training on requirements for the identification of voters;

''(4) training on the appropriate use of provisional ballots and the process for casting such ballots;

''(5) training on registering voters on the day of the election;

''(6) training on which individuals have the authority to challenge voter eligibility and the process for any such challenges; and

''(7) training on security procedures.

''(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after August 1, 2006.''.

SEC. 332. IMPARTIAL ADMINISTRATION OF ELECTIONS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 325. ELECTION ADMINISTRATION REQUIREMENTS.

''(a) PUBLICATION OF STATE ELECTION LAWS.—

''(1) IN GENERAL.—Each State shall be required to publish all State laws, regulations, procedures, and practices relating to Federal elections on January 1 of each year in which there is a regularly scheduled election for a Federal office.

''(2) MAINTENANCE OF LAWS ON THE INTERNET.—Each State shall be required to maintain an updated version of all material published under paragraph (1) on an easily accessible public web site on the Internet.

''(b) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting voting in Federal elections and the administration of Federal elections since the most recent prior such election. If any State or local government makes any change affecting the administration of Federal elections within 15 days of a Federal election, the State or local government shall provide adequate public notice.

''(c) OBSERVERS.—

''(1) STANDARDS.—Each State shall issue nondiscriminatory standards for granting access to nonpartisan election observers. Such standards shall take into account the need to avoid disruption and crowding in polling places.

''(2) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to nonpartisan domestic observers (including voting rights and civil rights organizations) and international observers in accordance with the standards published under paragraph (1).

''(3) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (2) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

Subtitle E—Standards for Purging Voters

SEC. 341. STANDARDS FOR PURGING VOTERS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 326. REMOVAL FROM VOTER REGISTRATION LIST.

''(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of—

''(1) all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section; and

''(2) the criteria, processes, and procedures used to determine which names were removed.

''(b) NOTICE TO INDIVIDUAL VOTERS.—

''(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

''(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

''(A) provided to each voter in a uniform and nondiscriminatory manner;

''(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

''(C) in the form and manner prescribed by the Election Assistance Commission.

''(c) PRIVACY.—No State or jurisdiction may disclose the reason for the removal of any voter from the voter registration list unless ordered to do so by a court of competent jurisdiction.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after September 1, 2006.''.

Subtitle F—Election Day Registration and Early Voting

SEC. 351. ELECTION DAY REGISTRATION.

(a) REQUIREMENT.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

''SEC. 327. ELECTION DAY REGISTRATION.

''(a) IN GENERAL.—

''(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any individual on the day of a Federal election—

''(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 299A; and

''(B) to cast a vote in such election and have that vote counted in the same manner as a vote cast by an eligible voter who properly registered during the regular registration period.

''(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after October 1, 2006.''.

(b) ELECTION DAY REGISTRATION FORM.—Subtitle E of title II of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

''SEC. 299A. ELECTION DAY REGISTRATION FORM.

''The Commission shall develop an election day registration form for elections for Federal office.''.

SEC. 352. EARLY VOTING.

(a) REQUIREMENTS.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 328. EARLY VOTING.

''(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

''(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

''(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

''(2) have minimum uniform hours each day for which such voting occurs.

''(c) APPLICATION OF ELECTION DAY REGISTRATION TO EARLY VOTING.—A State shall permit individuals to register to vote at each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) in the same manner as the State is required to permit individuals to register to vote and vote on the day of the election under section 327.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.''.

(b) STANDARDS FOR EARLY VOTING.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299B. STANDARDS FOR EARLY VOTING.

''(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs and the public listing of the date, time, and location of polling places no earlier than 10 days before the date on which such voting begins.

''(b) DEVIATION.—The standards described in subsection (a) shall permit States, upon giving reasonable public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster or a terrorist attack.''.

TITLE IV—VOTER REGISTRATION AND IDENTIFICATION

SEC. 401. VOTER REGISTRATION.

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION.—On and after the date of the enactment of this Act—

''(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

''(ii) subparagraph (B) shall not apply.''.

(b) PROCESSING OF REGISTRATION APPLICATIONS.—

(1) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 329. PROCESSING OF REGISTRATION APPLICATIONS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, each State and jurisdiction shall accept and process a voter registration application for an election for Federal office unless there is a material omission or information that specifically affects the eligibility of the voter.

''(b) PRESUMPTION TO REGISTER.—There shall be a presumption that persons who submit voter registration applications should be registered.

''(c) PRESUMPTION TO CURE MATERIAL OMISSION.—Each State and jurisdiction shall—

''(1) provide a process to permit voters an opportunity to cure any material omission within a reasonable period of time; and

''(2) accept any application which is so cured as having been filed on the date on which such application is originally received.

''(d) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this subsection on and after October 1, 2006.''.

(2) MATERIAL OMISSION.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299C. STANDARDS FOR MATERIAL OMISSION FROM REGISTRATION FORMS.

''(a) IN GENERAL.—The Election Assistance Commission shall establish guidelines as to what does and does not constitute a 'material omission or information that specifically affects the eligibility of the voter' for purposes of section 329.

''(b) CERTAIN INFORMATION NOT A MATERIAL OMISSION.—In establishing the guidelines under subsection (a), the Commission shall provide that the following shall not constitute a 'material omission or information that specifically affects the eligibility of the voter':

''(1) The failure to provide a social security number or driver's license number.

''(2) The failure to provide information concerning citizenship or age in a manner other than the attestation required under section 9(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973-gg-7).''.

(c) INTERNET REGISTRATION.—

(1) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381), as added and amended by this Act, is amended by redesignating section 249 as section 250 and by inserting after section 248 the following new section:

"SEC. 249. STUDY ON INTERNET REGISTRATION AND OTHER USES OF THE INTERNET IN FEDERAL ELECTIONS.

''(a) STUDY.—The Commission shall conduct a study on—

''(1) the feasibility of voter registration through the Internet for Federal elections; and

''(2) other uses of the Internet in Federal elections, including—

''(A) the use of the Internet to publicize information related to Federal elections; and

''(B) the use of the Internet to vote in Federal elections.

''(b) REPORT.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall transmit to Congress a report on the results of the study conducted under subsection (a).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 402. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking ''or'' at the end of subclause (I) and by adding at the end the following new subclause:

''(III) executes a written affidavit attesting to such individual's identity; or''.

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking ''or'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ''; or'', and by adding at the end the following new subclause:

''(III) a written affidavit, executed by such individual, attesting to such individual's identity.''.

(3) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the amendments made by this subsection on and after November 1, 2006.

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299D. VOTER IDENTIFICATION.

''The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as amended by this Act, is amended by adding at the end the following:

"PART 8—PHOTO IDENTIFICATION

"SEC. 298A. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications.

''(b) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card and who cannot obtain an identification card without undue hardship.

''(c) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298B; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated $10,000,000 for fiscal year 2006 and such sums as are necessary for each subsequent fiscal year for the purpose of making payments under section 298A.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

SEC. 403. REQUIREMENT FOR FEDERAL CERTIFICATION OF TECHNOLOGICAL SECURITY OF VOTER REGISTRATION LISTS.

(a) IN GENERAL.—Section 303(a)(3) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(3)) is amended by striking ''measures to prevent the'' and inserting ''measures, as certified by the Election Assistance Commission, to prevent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE V—PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES

SEC. 501. PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 319 the following new section:

''CAMPAIGN ACTIVITIES BY ELECTION OFFICIALS AND VOTING SYSTEM MANUFACTURERS

''SEC. 319A. (a) PROHIBITION.—

''(1) CHIEF STATE ELECTION OFFICIALS.—It shall be unlawful for any chief State election

official to take part in prohibited political activities with respect to any election for Federal office over which such official has managerial authority.

''(2) VOTING SYSTEM MANUFACTURERS.—It shall be unlawful for any person who owns or serves as the chief executive officer, chief financial officer, chief operating officer, or president of any entity that designs or manufacturers a voting system to take part in prohibited political activities with respect to any election for a Federal office for which a voting system produced by such manufacturer is used.

''(b) DEFINITIONS.—For purposes of this section:

''(1) CHIEF STATE ELECTION OFFICIAL.—The term 'chief State election official' means the individual designated as such under section 10 of the National Voter Registration Act of 1993.''

''(2) PROHIBITED POLITICAL ACTIVITIES.—The term 'prohibited political activities' means campaigning to support or oppose a candidate or slate of candidates for Federal office, making public speeches in support of such a candidate, fundraising and collecting contributions on behalf of such a candidate, distributing campaign materials with respect to such a candidate, organizing campaign events with respect to such a candidate, and serving in any position on any political campaign committee of such a candidate.

''(b) OWNERSHIP.—For purposes of subsection (a)(2), a person shall be considered to own an entity if such person controls at least 20 percent, by vote or value, of the entity.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VI—ENDING DECEPTIVE PRACTICES

SEC. 601. ENDING DECEPTIVE PRACTICES.

(a) IN GENERAL.—

(1) Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is amended—

(A) by striking ''No person'' and inserting the following:

''(1) IN GENERAL.—No person''; and

(B) by inserting at the end the following new paragraph:

''(2) DECEPTIVE ACTS.—No person, whether acting under color of law or otherwise, shall knowingly deceive any other person regarding the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions; nor shall any person knowingly deceive any person regarding the qualifications or restrictions of voter eligibility for any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions.''.

(2) The heading of section 2004(b) of the Revised Statutes is amended by striking ''OR COERCION'' and inserting ''COERCION, OR DECEPTIVE ACTS''.

(b) CRIMINAL PENALTY.—Section 594 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting the following:

''(a) INTIMIDATION.—Whoever''; and

(2) by inserting at the end the following:

''(b) DECEPTIVE ACTS.—Whoever knowingly deceives any person regarding—

''(1) the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions; or

''(2) the qualifications or restrictions of voter eligibility for any general, primary, run-off or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions

shall be fined under this title, imprisoned not more than one year, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VII—CIVIC PARTICIPATION BY EX-OFFENDERS

SEC. 701. VOTING RIGHTS OF INDIVIDUALS CONVICTED OF CRIMINAL OFFENSES.

(a) SHORT TITLE.—This title may be cited as the Civic Participation Act of 2005.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(B) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(C) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(D) An estimated 4,700,000 individuals in the United States, or 1 in 44 adults, currently cannot vote as a result of a felony conviction. Women represent about 676,000 of those 4,700,000.

(E) State disenfranchisement laws disproportionately impact ethnic minorities.

(F) Fourteen States disenfranchise some or all ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(G) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(H) In those States that disenfranchise ex-offenders, an ex-offender's right to vote can only be restored through a gubernatorial pardon or order, or a certificate granted by a parole board. Some States require waiting periods as long as 10 years after completion of the sentence before an ex-offender can initiate the application for restoration of the right to vote.

(I) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. Many States do not offer a restoration procedure for Federal offenders who have completed supervision. The only method available to such persons is a Presidential pardon.

(J) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(K) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(L) The discrepancies described in this paragraph should be addressed by Congress, in the name of fundamental fairness and equal protection.

(2) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

(c) DEFINITIONS.—In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ''parole'' means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ''probation'' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

(d) RIGHTS OF CITIZENS.—The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense

(e) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this section.

(2) PRIVATE RIGHT OF ACTION.—

(A) NOTICE.—A person who is aggrieved by a violation of this section may provide written notice of the violation to the chief election official of the State involved.

(B) ACTION.—Except as provided in subparagraph (C), if the violation is not corrected within 90 days after receipt of a notice provided under subparagraph (A), or within

20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court to obtain declaratory or injunctive relief with respect to the violation.

(C) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under subparagraph (A) before bringing a civil action in such a court to obtain declaratory or injunctive relief with respect to the violation.

(f) RELATION TO OTHER LAWS.—

(1) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this section shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this section.

(2) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this section shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(g) NOTIFICATION OF RESTORATION OF VOTING RIGHTS.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 330. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

''(a) NOTIFICATION.—

''(1) IN GENERAL.—On the date determined under subsection (b), each State shall notify any qualified ex-offender who resides in the State that such qualified ex-offender has the right to vote in an election for Federal office pursuant to the Civic Participation Act of 2005 and may register to vote in any such election.

''(2) QUALIFIED EX-OFFENDER.—For the purpose of this section, the term 'qualified ex-offender' means any individual who resides in the State who has been convicted of a criminal offense and is not serving a felony sentence in a correctional institution or facility and who is not on parole or probation for a felony offense.

''(b) DATE OF NOTIFICATION.—The notification required under subsection (a) shall be given on the later of the date on which such individual is released from a correctional institution or facility for serving a felony sentence or the date on which such individual is released from parole for a felony offense.

''(c) DEFINITIONS.—Any term which is used in this section that is also used in the Civic Participation Act of 2005 shall have the meaning given to such term in that Act.

''(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after the date of the enactment of the Civic Participation Act of 2005.''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply to citizens of the United States voting in any election for Federal office after the date of the enactment of this Act.

(2) AMENDMENTS.—The amendment made by subsection (g) shall take effect on the date of the enactment of this Act.

TITLE VIII—FEDERAL ELECTION DAY ACT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Federal Election Day Act of 2005''.

SEC. 802. FEDERAL ELECTION DAY AS A PUBLIC HOLIDAY.

(a) ELECTION DAY AS A FEDERAL HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended by inserting after the matter relating to Columbus Day, the following undesignated paragraph:

''Federal Election Day, the Tuesday next after the first Monday in November in each even numbered year.''.

(b) CONFORMING AMENDMENT.—Section 241(b) of the Help America Vote Act of 2002 (42 U.S.C. 15381(b)) is amended by striking paragraph (10) and by redesignating paragraphs (11) through (19) as paragraphs (10) through (18), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 803. STUDY ON ENCOURAGING GOVERNMENT EMPLOYEES TO SERVE AS POLL WORKERS.

(a) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381), as added and amended by this Act, is amended by redesignating section 250 as section 250A and by inserting after section 249 the following new section:

"SEC. 250. STUDY ON ENCOURAGING GOVERNMENT EMPLOYEES TO SERVE AS POLL WORKERS.

''(a) STUDY.—The Commission shall conduct a study on appropriate methods to encourage State and local government employees to serve as poll workers in Federal elections.

''(b) REPORT.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall transmit to Congress a report on the results of the study conducted under subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 210 for fiscal year 2006, $100,000 shall be authorized solely to carry out the purposes of this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE IX—TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS

SEC. 901. TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS.

(a) IN GENERAL.—Section 6 of title 3, United States Code, is amended—

(1) by inserting ''and before the date that is 6 days before the date on which the electors are to meet under section 7,'' after ''under and in pursuance of the laws of such State providing for such ascertainment,''; and

(2) by striking ''by registered mail'' and inserting ''by overnight courier''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE X—STRENGTHENING THE ELECTION ASSISTANCE COMMISSION

SEC. 1001. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.

(a) RULEMAKING AUTHORITY.—Part 1 of subtitle A of Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by striking section 209.

(b) BUDGET REQUESTS.—Part 1 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.), as amended by subsection (a), is amended by inserting after section 208 the following new section:

"SEC. 209. SUBMISSION OF BUDGET REQUESTS.

''Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.''.

(c) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) the Election Assistance Commission;''.

(d) NIST AUTHORITY.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299E. TECHNICAL SUPPORT.

''At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking ''for each of fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year)'' and inserting ''$35,000,000 for fiscal year 2006 (of which $4,000,000 are authorized solely to carry out the purposes of section 299E) and such sums as may be necessary for the succeeding fiscal year''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1002. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of enactment of this Act.

SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by adding at the end the following new paragraphs:

''(4) For fiscal year 2006, $3,000,000,000.

''(5) For each fiscal year after 2006, such sums as are necessary.''.

Mrs. BOXER. Mr. President, today I join Senator CLINTON in introducing the Count Every Vote Act of 2005.

The 2000 election exposed a number of serious problems with the accuracy and fairness of election procedures in this country, as well as the reliability of certain types of voting technology. As a result of those irregularities, many eligible voters were effectively disenfrachised and thus deprived of one of our most fundamental rights.

In the 2004 election, we again saw serious irregularities when voters across this country went to the polls to cast their votes. From untrustworthy electronic voting machines, to partisan secretaries of state, to outrageously long lines at the polls, the election system was far from what voters are entitled to have.

At Kenyon College in Ohio, for example, voters were made to wait in line until nearly 4 a.m. to vote because there were only two machines for 1,300 voters. In the Columbus area alone, an estimated 5,000 to 10,000 voters left

polling places, out of frustration, without having voted. In Cleveland, thousands of provisional ballots were disqualified after poll workers gave faulty instructions to voters.

Because of these irregularities—as well as voting irregularities in many other places—I joined Congresswoman STEPHANIE TUBBS JONES of Ohio in objecting to the certification of the Ohio electoral votes on January 7, 2005. I did this to cast the light of truth on a flawed system that must be fixed now. Americans deserve a system where every vote is counted and can be verified. And, Congress must do more to give confidence to all of our people that their votes matter.

In 2002, Congress passed the Help America Vote Act (HAVA), which took important steps toward electoral reform. Since the enactment of HAVA, however, concerns have been raised about the security of voting machines and the inability of the majority of voters who may use these machines to be able to adequately verify their vote and to ensure that the vote they intended was both cast and counted. In addition, many other problems in our Federal election system—including long wait times in which to vote, the erroneous purging of voters, voter suppression and intimidation, and unequal access to the voting process—remain.

Last year, I sponsored legislation to address some of these issues. I also joined Senator CLINTON and former Senator Bob Graham in introducing an election reform bill. I am pleased to again join Senator CLINTON today to introduce the Count Every Vote Act of 2005—the CEVA Voting Act. It requires voting machines to have a voter-verified paper trail for use by all individuals, including language minority voters, illiterate voters, and voters with disabilities; and it mandates national standards in the registration of voters and the counting of provisional ballots. All provisions of this legislation are to be in effect no later than the November 2006 Federal election.

Mr. President, in a democracy, the vote of every citizen counts. We must make sure that every citizen's vote is counted—and counted accurately and fairly so that the American people have confidence in the results. HAVA was a good first step. The CEVA Voting Act is the next step, and I encourage my colleagues to join me in this effort.

By Mr. AKAKA:

S. 451. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to reintroduce the Pet Safety and Protection Act of 2005. My legislation amends the Animal Welfare Act to ensure that all companion animals such as dogs and cats used by research facilities are obtained legally.

Over 30 years ago, Congress passed the Animal Welfare Act, AWA, authorizing the Secretary of Agriculture to set and enforce standards protecting animals used in biomedical research, bred for commercial sale, exhibited to the public, or commercially transported from inhumane treatment. Despite the well-meaning intentions of the AWA and the enforcement efforts of the U.S. Department of Agriculture, USDA, the act fails to provide reliable protection against the actions of some unethical animal dealers.

Under the AWA, class B animal dealers are defined as individuals whose business includes the purchase, sale, or transport of animals in commerce, including dogs and cats intended for use at research facilities. To the dismay of animal welfare advocates and pet owners, some class B, or ''random source,'' dealers have resorted to theft and deception to collect animals for resale. In many instances these animals were found living under inhumane conditions.

As recently as August of 2003, USDA agents executed a warrant to investigate a class B dealer from Arkansas suspected of violations of the AWA for the second time in several years. Many claims have been levied against this dealer, and approximately 125 dogs were seized by federal agents during this week-long search. The complaint investigated by the USDA against the dealer alleged that the respondents' veterinarian provided for them falsified official health certificates for cats and dogs, and also provided them with blank, undated, and signed health certificates. It also alleged that the dealer failed to provide the barest standards of care, husbandry, and housing for the animals on the premises. In addition, it alleged that its proprietors were aware that some of the companion animals brought to the facility were stolen, and that the business maintained a list of over 50 ''bunchers,'' individuals who obtain animals and sell them to ''random source'' animal dealers. Bunchers have a variety of methods of obtaining companion animals, including responding to newspaper ads offering free animals, trespassing on private property to abduct the animals from yards, and house burglaries.

I am pleased to report that the civil trial against this class B dealer was settled on January 28, 2005. Under the agreement, the dealer and others associated with the business had their licenses permanently revoked. In addition, fines up to $262,700 were imposed by the USDA, which included a personal civil penalty of $12,700. The dealer also is prohibited from engaging in any activities under which the licenses were revoked for 5 years.

While this case resulted in a landmark settlement, I would like to remind my colleagues that if it were not for an outside organization that filed a complaint with the USDA, this class B dealer could still be in operation today. We, in Congress, need to ensure that dealers such as the one in Arkansas are unable to acquire, house, and sell pets.

The Pet Safety and Protection Act of 2005 strengthens the AWA by prohibiting the use of class B dealers as suppliers of dogs and cats to research laboratories. Contrary to what others might say, my legislation will not be a burden on research facilities because only 2 percent of the approximately 2,051 class B dealers in the United States currently sell cats and dogs to research facilities.

I am not here to argue whether animals should or should not be used in research. Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against cancer, Alzheimer's, tuberculosis, AIDS, and a host of other life-threatening diseases. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities and the poor treatment of these animals by some class B dealers.

My legislation preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the AWA. Legitimate sources for animals include USDA-licensed class A dealers, breeders, and research facilities, municipal pounds and shelters, and legitimate pet owners who want to donate their animals to research. These sources are capable of meeting the demand for research animals. The National Institutes of Health, in an effort to curb abuse and deception, have already adopted policies against the acquisition of dogs and cats from class B dealers.

The Pet Safety and Protection Act of 2005 also reduces the USDA's regulatory burden by allowing the Department to use its resources more efficiently and effectively. Each year, thousands of dollars are spent on regulating dealers. To discourage any future violations of the AWA, my bill increases the penalties to a minimum of $1,000 per violation.

I reiterate that this bill in no way impairs or impedes research but will end the fraudulent practices of some class B dealers, as well as the unnecessary suffering of these animals in their care. I urge my colleagues to support this important legislation.

By Mr. CORZINE:

S. 452. A bill to provide for the establishment of national and global tsunami warning systems and to provide assistance for the relief and rehabilitation of victims of the Indian Ocean tsunami and for the reconstruction of tsunami-affected countries; to the Committee on Commerce, Science, and Transportation.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Tsunami Early Warning and Relief Act, to significantly decrease losses in the event of a future tsunami anywhere in the world. This bill would direct the

National Oceanic and Atmospheric Administration, NOAA, to establish and administer a Global Tsunami Disaster Reduction Program, based on the successful program which NOAA operates in the Pacific Ocean.

I traveled to South and Southeast Asia in the wake of last year's Indian Ocean tsunami that led to the death of more than 160,000 people and a widespread humanitarian crisis. What I witnessed in Indonesia, Thailand and Sri Lanka was the most incredible destruction I have ever seen. I can only imagine that the devastation from the tsunami rivals Hiroshima and Nagasaki in the level of sheer destruction, damage, displacement and loss of life.

Around the world, and right here in the United States, highly populated coastal areas are vulnerable to potential devastation on the scale of the Indian Ocean tsunami. As we continue to assist our South Asian friends in their reconstruction effort, we must also do everything in our ability to reduce human, ecological and economic damage in the event of another tsunami. We cannot allow such a natural disaster to separate families, orphan children and destroy livelihoods once again.

There is no magic solution. Coastal areas, by nature, will face significant damage if a tsunami strikes. However, an advance warning would go a long way to reduce the loss of life in particular. Had governments in South Asia been able to inform their citizens of the approaching tsunami, tourists would not have been tanning on the beach and coastal markets would not have been obliviously going about their everyday business. While they would not have been perfect, rudimentary coastal evacuations could have taken place—and as a result we would not see the awful human cost that I witnessed this January.

We currently operate an effective warning system in the Pacific Ocean, which warns our citizens and coastal governments about potential tsunami threats faced in Hawaii, Alaska and West Coast states. This system utilizes a sophisticated network of buoys in the Pacific Ocean that monitor rising and falling water levels. Using this data, and seismic observation of the ocean floor, NOAA is able to adequately assess the threat posed to coastal residents by natural activity in the Pacific and inform emergency service agencies in regions that face imminent threats.

The Tsunami Early Warning and Relief Act would expand NOAA's successful Pacific tsunami monitoring and communications program to the Atlantic Ocean, Caribbean Sea, Indian Ocean, and other areas around the world that are vulnerable to tsunamis. Furthermore, this legislation expands NOAA's Tsunami Ready Program, which disseminates tsunami communications to coastal communities and coordinates evacuation strategies for these regions.

In conclusion, expansion of tsunami warning and readiness programs are critical to the lives and livelihoods of coastal residents in the United States and around the world. For all of us, the devastating aftermath of the Indian Ocean tsunami is a call to action that we must improve our reflexes when it comes to tsunamis. I urge my colleagues to consider this legislation, and other tsunami warning systems proposed by my colleagues, and to move forward as quickly as possible so that we never again have to see the devastation, death, broken families and orphaned children that we see right now in South Asia.

I ask unanimous consent that the text of the Tsunami Early Warning and Relief Act be a printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tsunami Early Warning and Relief Act of 2005''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A tremendous undersea earthquake near Sumatra, Indonesia, created a tsunami whose devastation spread throughout South Asia, Southeast Asia, and East Africa, leading to the death of more than 160,000 people on December 26, 2004. As of February 4, 2005, more than 140,000 people are still missing. The tsunami-affected countries include Indonesia, Sri Lanka, India, Thailand, Maldives, Seychelles, Bangladesh, Burma, Malaysia, Somalia, Kenya, and Tanzania.

(2) The tsunami resulted in massive destruction affecting millions of people who now require a great amount of short-term survival assistance and long-term rehabilitation and reconstruction assistance.

(3) Compared to past disasters, the Indian Ocean earthquake and tsunami led to historic destruction of the social service infrastructure, businesses, and livelihoods. The devastation caused by the tsunami has resulted in many separated families and countless unaccompanied and orphaned children.

(4) An effective global tsunami warning system is critical for preventing future humanitarian disasters and for protecting national security, since tsunamis occurring anywhere around the globe could impact the United States at home and United States national interests abroad.

(5) The National Oceanic and Atmospheric Administration has already built a system of tsunami buoys in the Pacific Ocean which has been proven to provide critical information and enhance the Nation's response to tsunamis. The National Oceanic and Atmospheric Administration has the technical capability to upgrade and expand this system so that it covers the entire globe and is integrated into larger ocean observing efforts.

(6) Consistent funding and international cooperation would be needed to deploy a broader global tsunami warning system.

(7) Effective local emergency management capabilities are needed to relay tsunami warning information to coastal communities and their residents.

TITLE I—TSUNAMI WARNING SYSTEMS

SEC. 101. GLOBAL PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish a Global Tsunami Disaster Reduction Program within the National Oceanic and Atmospheric Administration for the establishment of a tsunami warning system to protect vulnerable areas around the world, including Atlantic Ocean, Carribean Sea, Gulf of Mexico, Indian Ocean, Mediterranean Sea, and European areas.

(b) INTERNATIONAL COOPERATION.—The Secretary of State, in consultation with the Director of the National Oceanic and Atmospheric Administration, shall work with foreign countries that would benefit from the warning system described in subsection (a), and through international organizations, for the purposes of—

(1) sharing costs;

(2) sharing relevant data;

(3) sharing technical advice for the implementation of dissemination and evacuation plans; and

(4) ensuring that the Global Earth Observation System of Systems program has access to and shares openly all relevant information worldwide.

SEC. 102. EXPANSION OF UNITED STATES TSUNAMI READY PROGRAM.

The Director of the National Oceanic and Atmospheric Administration shall work with coastal communities throughout the United States to build upon local coastal and ocean observing capabilities, improve abilities to disseminate tsunami information and prepare evacuation plans according to the requirements of the Tsunami Ready program of the National Oceanic and Atmospheric Administration, and encourage more communities to participate in the program.

SEC. 103. SEISMIC ACTIVITY MONITORING.

The Director of the National Oceanic and Atmospheric Administration shall coordinate with the United States Geological Survey and the Department of State to work with other countries to enhance the monitoring, through the Global Seismic Network (GSN), of seismic activities that could lead to tsunamis, to support the programs described in sections 101 and 102.

SEC. 104. ANNUAL REPORT.

The Director of the National Oceanic and Atmospheric Administration shall transmit an annual report to Congress on progress in carrying out this title.

SEC. 105. DEFINITION.

For purposes of this title, the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for carrying out this title—

(1) $38,000,000 for fiscal year 2006; and

(2) $32,000,000 for fiscal year 2007 and for each subsequent fiscal year.

TITLE II—RELIEF, REHABILITATION, AND RECONSTRUCTION ASSISTANCE RELATING TO INDIAN OCEAN TSUNAMI

SEC. 201. ASSISTANCE.

(a) AUTHORIZATION.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide assistance for—

(1) the relief and rehabilitation of individuals who are victims of the Indian Ocean tsunami; and

(2) the reconstruction of the infrastructures of countries affected by the Indian Ocean tsunami, including Indonesia, Sri Lanka, India, Thailand, Maldives, Seychelles, Bangladesh, Burma, Malaysia, Somalia, Kenya, and Tanzania.

(b) TERMS AND CONDITIONS.—Assistance under this section may be provided on such

terms and conditions as the President may determine.

SEC. 202. REPORT.

The President shall transmit to Congress, on a quarterly basis in 2005, on a biannual basis in 2006, and as determined to be appropriate by the President thereafter, a report on progress in carrying out this title.

SEC. 203. DEFINITION.

In this title, the term ''Indian Ocean tsunami'' means the tsunami that resulted from the earthquake that occurred off the west coast of northern Sumatra, Indonesia, on December 26, 2004.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President to carry out this title such sums as may be necessary for fiscal year 2006 and each subsequent fiscal year.

By Mr. SMITH (for himself, Mr. KOHL, Mr. LUGAR, Mrs. CLINTON, Mr. BROWNBACK, Mr. LAUTENBERG, and Mr. FEINGOLD):

S. 453. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleagues, Senators KOHL, LUGAR, LIEBERMAN, BROWNBACK, CLINTON, LAUTENBERG, and FEINGOLD, to introduce this important piece of legislation. Legislation that will ensure the United States government does not turn its back on political asylees or refugees who are the most vulnerable citizens seeking safety in this great country of ours.

As many of you may know, Congress as part of Personal Responsibility and Work Opportunity Reconciliation Act, PRWORA, modified the SSI program to include a seven-year time limit on the receipt of benefits for refugees and asylees. This policy was intended to balance the desire to have people who emigrant to the United States to become citizens, with an understanding that the naturalization process also takes time to complete. To allow adequate time for asylees and refugees to become naturalized citizens Congress provided the 7-year time limit before the expiration of SSI benefits.

Unfortunately, the naturalization process often takes longer than 7 years because applicants are requited to live in the United States for a minimum of 5 years prior to applying for citizenship and the INS often takes 3 or more years to process the application. Because of this time delay, many individuals are trapped in the system faced with the loss of their SSI benefits.

If Congress does not act to change the law, reports show that over the next 4 years nearly 30,000 elderly and disabled refugees and asylees will lose their Supplemental Security Income, SSI, benefits because their 7-year time limit will expire before they become citizens. Many of these individuals are elderly who fled persecution or torture in their home countries. They include Jews fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

The administration in its fiscal year 2006 budget acknowledged the necessity to correct this problem by dedicating funding to extend refugee eligibility for SSI beyond the 7-year limit. While I am pleased that they have taken the first step in correcting this problem, I am concerned the policy does not go far enough. Data shows that most people will need at least an additional 2 years to navigate and complete the naturalization process. Therefore, my colleagues and I have introduced this bill, which will provide a 2-year extension. We believe this will provide the time necessary to complete the process. .

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman GRASSLEY and other members of the Finance Committee to secure these changes during consideration of TANF reauthorization.

Mr. KOHL. I rise today to join Senator SMITH and a bipartisan group of Senators in introducing the SSI Extension for Elderly and Disabled Refugees Act. This bill builds both on a proposal in the President's budget, and on legislation we introduced last year, to serve the neediest individuals in our society.

Wisconsin is the home for hundreds of thousands of Hmong family members who were resettled there in the years after the Vietnam War, some as recently as the 1990s. Many of these Hmong fought with the CIA in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. The United States remains indebted to these courageous individuals and their families.

In addition to the Hmong, America has served as a shelter for Jews and Baptists fleeing religious persecution in the former Soviet Union; and for Iraqis and Cubans escaping tyrannical dictatorships. Our policy toward refugees and asylees embodies the best of our country—compassion, opportunity, and freedom. I am proud of the example our policies set with respect to the treatment of those seeking refuge.

But I am disappointed in our decision to allow these people to enter the country and then deny them the means to live. Thousands of people who fled religious and political persecution to seek freedom in the U.S. are being punished by a short-sighted policy. A provision in the 1996 welfare reform bill restricted the amount of time that elderly and disabled refugees and asylees could be eligible for Supplemental Security Income, SSI, benefits. These benefits serve as a basic monthly income for individuals who are 65 or older, disabled or blind. Over the next 4 years, it is estimated that 40,000 refugees and political asylees could lose these important benefits on which they often rely.

The 7-year time limit on SSI benefits for legal humanitarian immigrants has already impacted individuals and families across the country, and will impact thousands more without Congressional action. The provision specifically mandated that to avoid losing this important support, refugees and asylees must become citizens within the 7 year limit. Unfortunately, this has proved impossible for far too many. The process of becoming a citizen only truly begins after a refugee has resided in the U.S. for 5 years as a lawful permanent resident. And beyond that, there are many other barriers, such as language skills and processing and bureaucratic delays within the various agencies, which an immigrant must overcome before they become naturalized. Beginning in 2003, immigrants trapped in this process—too often the most vulnerable elderly and families—began to lose their SSI benefits with no hope of recourse.

This inherent flaw in the system has to be changed. That is why we are reintroducing the SSI Extension for Disabled and Elderly Refugees Act. This legislation extends the amount of time that refugees and asylees have to become citizens to 9 years. In addition, the bill contains a ''reach back'' provision: it retroactively restores benefits to those individuals who have already lost them for an additional 2 years. This provision helps the individuals who need it most; humanitarian immigrants who are trapped in the system and have lost this important income source.

Across the country, states are recognizing the peril that faces individuals who lose these benefits. Most recently, in January, the State of Illinois passed legislation that allows individuals to obtain monthly grants through a State program, if their Federal SSI benefits are suspended. This action highlights the need for Congress to act. We cannot continue to pass the buck to cash-strapped States. I believe we must act now to protect these individuals.

I cannot stress how important this legislation is to many in the State of Wisconsin. Last year there were several stories across the state regarding the plight of Hmong families and individuals whose citizenship has been delayed and were faced with losing their benefits. That was a year ago, and Congress failed to pass the legislation that Senators SMITH, LUGAR, FEINGOLD and I had worked so hard on. We cannot let another year go by without helping these individuals.

In addition to the Hmong population in Wisconsin, almost every State in the

country is home to immigrants who will be affected by the limit. Our country has long been a symbol of freedom, equality and opportunity. Our laws should reflect that. Every day that goes by could result in the loss of a refugee's support system—I urge my colleagues to support this legislation and restore the principles we were put here to protect.

By Mr. COLEMAN (for himself and Mr. BINGAMAN):

S. 455. A bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes; to the Committee on Foreign Relations.

Mr. COLEMAN. Mr. President, today I am introducing legislation to reverse the decline in the number of international students studying at American colleges, universities, and high schools. I am very pleased to be joined by my friend and colleague, Senator BINGAMAN, who cares deeply about these issues as I do.

Policies implemented to keep our country safe in the wake of September 11 have had the unintended consequence of dramatically reducing the number of international students studying in the United States. Total international applications to U.S. graduate schools fell 28 percent from fall 2003 to fall 2004, and 54 percent of all English as a Second Language (ESL) programs have reported declines in overall applications at a time where countries such as the U.K., Canada, and Australia are experiencing increases.

Why is this a concern for our country?

From a foreign policy perspective, America needs all the Ambassadors of goodwill we can get. In a world that too often hates Americans because they do not know us, international education represents an opportunity to break down barriers. It is in our local and national interest for the best and brightest foreign students to study in America because these are people who will lead their nations one day. The experience they gain with our democratic system and our values gives them a better understanding of what America is and who Americans are.

My caseworkers in Minnesota have dealt with literally hundreds of student visas cases. One case in particular stands out—that of Humphrey Tusimiirwe, a brilliant student from Uganda who was having difficulty getting his student visa for study at St. Thomas. Fortunately, after several calls to the U.S. Ambassador, Humphrey's story ultimately had a happy ending, and he is going to be part of our panel at the University of Minnesota. But too many other students are barred from coming to study in America, and far too many are choosing to not study in the U.S. and instead go elsewhere.

I have heard from Minnesota's colleges and universities. The presence of international students on campuses gives American students an irreplaceable opportunity to learn about other cultures and points of view. That's why this legislation has the endorsement of the University of Minnesota, the MnSCU student association, the Minneapolis Star Tribune and Rochester Post Bulletin, and others. International education is a $13 billion industry, and foreign students who pay full tuition help keep costs down for American students. In Minnesota alone, international students contribute some $175 million to our economy.

Finally, I think this is an economic competitiveness issue too. Attracting the world's top scientific scholars helps to keep our economy competitive. Too many of the world's best scientists are opting against studying in the U.S. because of the barriers we have imposed. We need the world's best and brightest to continue to do their research here, and to continue to use their talents to improve American innovation and ultimately create American jobs. Many of America's most innovative business leaders and top CEOs came to the U.S. as international students.

At the same time, laws are in place to make sure companies hire American workers first, and my legislation would not change that. That's why I will introduce legislation, the COMPETE Act, that will make sure American students have the math, science, and engineering skills needed to stay competitive.

While the State Department has made some very important strides, such as extending the validity of Visas Mantis security clearances and speeding up their processing time, there are still too many qualified students unable to get visas to study in America, and too many who today are deterred from even applying.

That's why I am pleased once again to join with my friend the Senator from New Mexico in introducing the American Competitiveness Through International Openness Now (ACTION) Act. Our bill calls for a number of steps that would help America regain our place as the top destination for international students, scholars, scientists and exchange visitors.

First, our bill calls for a strategic marketing plan similar to strategies implemented by the U.K., E.U., Canada and Australia to help America regain lost ground in attracting the world's best and brightest. There is a perception around the world that America is no longer a welcoming place, so we need to be deliberate and smart in our efforts to change that view.

The bill calls for more realistic standards for visa evaluations by updating a 50-year old criterion for visa approval and admittance to the United States. Under the so-called 214(b) rule, young people currently need to prove that they have ''essential ties'' to their home countries and no intention of emigrating to the U.S. But in this age of globalization, it is increasingly difficult for a 20-year old to do this. Many have lived and studied in other countries, and some have lost their parents to AIDS. They don't own a house or a business, they don't have spouses or children. Consular officers treat every student as an intending immigrant, and it is exceedingly difficult for a student to prove otherwise.

Our legislation calls for commonsense changes to management of the SEVIS system, which tracks international students and visitors. Under this legislation, the database would be run more effectively, and fees would be collected in a more fair manner.

The bill also sets standards for more timeliness and certainty in the student visa process, upgrading communication between government agencies dealing with student visas and enabling them to identify security risks and clear those who are not a threat more quickly.

I spent time in Minnesota last Friday listening to my constituents' views about this bill and the positive effect it would have on Minnesota colleges and universities. The response was overwhelming. These summits prompted me to add a section to the bill dealing specifically with students who have to return home for family emergencies, and a section to help intensive English programs compete with their counterparts in the U.K. and Australia.

We have often seen that prejudice is bred by isolation. Those who only look at this country through a keyhole can draw all kinds of outrageous conclusions. But exposure and interaction bring people together. Especially in a time when we are burdened with the question, ''Why do they hate us?'' we need to enhance those opportunities for people to see us as we really are. International exchanges present precisely this opportunity.

International education brings too much to our campuses, our communities, our economy and our national security to become another victim of the age of terrorism. If we can take ACTION to reverse the decline now, all Americans will reap the benefits for decades to come.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness Through International Openness Now Act of 2005'' or as the ''ACTION Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has a strategic interest in encouraging international students, scholars, scientists, and exchange visitors to visit the United States to study, collaborate in research, and to develop personal relationships.

(2) Openness to international students, scholars, scientists, and exchange visitors serves vital and longstanding national foreign policy, educational, and economic interests and the erosion of such openness undermines the national security interests of the United States.

(3) Educating successive generations of future world leaders has long been a foundation of the United States international influence and leadership.

(4) Open scientific exchange enables the United States to benefit from the knowledge of the world's top students and scientists and has been a critical factor in maintaining the

United States leadership in science and technology.

(5) International students studying in the United States and their families contribute nearly $13,000,000,000 to the United States economy each year, making higher education a major service sector export.

(6) The total number of applications submitted by foreign applicants to graduate schools in the United States for enrollment during the fall of 2004 declined 28 percent from the number of such applications submitted for enrollment during the fall of 2003.

(7) The total number of foreign students enrolled in graduate schools in the United States during the fall of 2004 declined 6 percent from the number of such enrollments during the fall of 2003.

(8) The number of foreign students enrolled in schools in the United States during the 2003–2004 academic year decreased by 2.4 percent from the number of such students the 2002–2003 academic year, marking the first absolute decline in foreign enrollments since the 1971–1972 academic year.

(9) The policies implemented by the United States since September 11, 2001, and the public perceptions they have engendered, have discouraged many foreign students from studying in the United States and have frustrated the efforts of many foreign scholars and exchange visitors from visiting the United States.

(10) The United States must improve its student, scholar, scientist, and exchange visitor screening process to protect against terrorists seeking to harm the United States.

(11) The United States has seen a dramatic increase in requests for Visa Mantis checks, checks designed to protect against illegal transfers of sensitive technology, from approximately 1,000 in fiscal year 2000 to approximately 18,500 in fiscal year 2004.

(12) Concerns related to the international student monitoring system known as ''SEVIS'' have also contributed to the decline in the number of foreign applicants to educational institutions in the United States.

(13) Other countries have instituted aggressive strategies for attracting foreign students, scholars, and scientists, and have adjusted their policies to encourage and accommodate access to universities and scientific exchange. One such country, Australia, has increased enrollment by foreign students in educational institutions in Australia by more than 53 percent since 2001.

(14) The European Union has set forth a comprehensive strategy to be the ''most competitive and dynamic knowledge-based economy in the world'' by 2010. Part of this strategy is aimed at enhancing economic competitiveness by making the European Union the most favorable destination for students, scholars, and researchers from other regions of the world.

(15) In order to maintain United States competitiveness in the world economy, build vital relationships with future world leaders, and improve popular perceptions of the United States overseas, the United States requires a comprehensive strategy for recruiting foreign students, scholars, scientists, and exchange visitors.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) SEVIS.—The term ''SEVIS'' means the program to collect information relating to nonimmigrant foreign students and other exchange program participants required by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 4. AMENDMENT TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.

The Mutual Education and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

''SEC. 115. STRATEGIC PLAN FOR INTERNATIONAL EDUCATIONAL EXCHANGE.

''(a) REQUIREMENT FOR PLAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the ACTION Act of 2005, the President, in consultation with institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, shall develop a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to the United States for study and exchange activities.

''(2) CONTENT.—The strategic plan shall include the following:

''(A) A marketing plan that utilizes the Internet and other media resources to promote and facilitate study in the United States by foreign students.

''(B) A clear division of responsibility that eliminates duplication and promotes interagency cooperation with regard to the roles of the Departments of State, Commerce, Education, Homeland Security, and Energy in promoting and facilitating access to the United States for foreign students, scholars, scientists, and exchange visitors.

''(C) A mechanism for institutionalized coordination of the efforts of Departments of State, Commerce, Education, and Homeland Security in facilitating access to the United States for foreign students, scholars, scientists, and exchange visitors.

''(D) A plan to utilize the educational advising centers of the Department of State that are located in foreign countries to promote study in the United States and to prescreen visa applicants.

''(E) A description of the lines of authority and responsibility for foreign students in the Department of Commerce.

''(F) A description of the mandate related to foreign student and scholar access to educational institutions in the United States for the Department of Education.

''(G) Streamlined procedures within the Department of Homeland Security related to foreign students, scholars, scientists, and exchange visitors.

''(H) Streamlined procedures to facilitate international scientific collaboration.

''(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of the ACTION Act of 2005, the President shall submit the strategic plan to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

''(b) RECIPROCITY AGREEMENTS.—It is the sense of Congress that the United States should negotiate reciprocity agreements with foreign countries with the goal of mutual agreement on extending the validity of student and scholar visas to 4 years and permitting multiple entry on student and scholar visas.

''(c) ANNUAL REPORT.—

''(1) REQUIREMENT.—The President, acting through the Secretary of State, in consultation with the Secretary of Education, Secretary of Commerce, Secretary of Homeland Security, and Secretary of Energy, shall submit to Congress an annual report on the implementation of the strategic plan required by subsection (a) and on any negotiations with foreign countries related to the reciprocity agreements referred to in subsection (b).

''(2) CONTENT.—An annual report submitted under this subsection shall include a description of the following:

''(A) Measures undertaken to enhance access to the United States by foreign students, scholars, scientists, and exchange visitors and to improve inter-agency coordination with regard to foreign students, scholars, scientists, and exchange visitors.

''(B) Measures taken to negotiate reciprocal agreements referred to in subsection (b).

''(C) The number of foreign students, scholars, scientists, and exchange visitors who applied for visas to enter the United States, disaggregated by applicants' fields of study or expertise, the number of such visa applications that are approved, the number of such visa applications that are denied, and the reasons for such denials.

''(D) The average processing time for an application for a visa submitted by a foreign student, scholar, scientist, or exchange visitor.

''(E) The number of applications for a visa submitted by foreign students, scholars, scientists, or exchange visitors that require inter-agency review.

''(F) The number of applications for a visa submitted by foreign students, scholars, scientists, or exchange visitors that were approved after receipt of such applications in each of the following:

''(i) Less than 15 days.

''(ii) Between 15 and 30 days.

''(iii) Between 31 and 45 days.

''(iv) Between 46 and 60 days.

''(v) Between 61 and90 days.

''(vi) More than 90 days.

''(3) SUBMISSION OF REPORT.—Not later than November 30 2005, and annually thereafter through 2008, the President shall submit to Congress the report described in this subsection.''.

SEC. 5. FAIRNESS IN THE SEVIS PROCESS.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting ''Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section (8 U.S.C. 1101(a)(15)(F)) for a program that will not exceed 90 days, the fee shall not exceed $35.''.

(2) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) in the first sentence, by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in the third sentence, by striking ''Attorney General's'' and inserting ''Secretary's''.

(b) REPORT ON IMPROVING FEE COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the feasibility of—

(1) entering data into the SEVIS database and collecting the fee required by section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)) only after the applicant's visa has been approved; or

(2) refunding the fee required by such section in the event that the applicant's visa has been denied.

SEC. 6. REFORMING SEVIS DATABASE MANAGEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall—

(1) develop policies that permit authorized representatives of SEVIS-approved schools or programs to make corrections to a student, scholar, or exchange visitor's record directly within the SEVIS database;

(2) in the case of such corrections that cannot be made by such representatives, ensure that sufficient resources are made available to enable such corrections to be made in a timely manner;

(3) develop policies to prohibit the detention or deportation of a student who is found to be out of status as a result of a SEVIS database error; and

(4) review the regulations and technology used in the SEVIS system, in order to streamline processes and reduce the time required for SEVIS-approved universities and programs to perform data entry tasks.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the implementation of this section.

SEC. 7. INTEROPERABLE DATA SYSTEMS.

(a) RESPONSIBILITIES OF THE FBI DIRECTOR.—The Director of the Federal Bureau of Investigation shall take the steps necessary to ensure that the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the Director's progress in ensuring that the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database.

SEC. 8. FACILITATING ACCESS.

(a) FINDING.—Congress finds that improvements in visa processing would enhance the national security of the United States by—

(1) permitting closer scrutiny of visa applicants who might pose threats to national security; and

(2) permitting the timely adjudication of visa applications of those whose presence in the United States serves important national interests.

(b) SENSE OF CONGRESS.—It is the sense of Congress that improvements in visa processing should include—

(1) an operational visa policy that articulates the national interest of the United States in denying entry to visitors who seek to harm the United States and in opening entry to legitimate visitors, to guide consular officers in achieving the appropriate balance;

(2) a greater focus by the visa system on visitors who require special screening, while minimizing delays for legitimate visitors;

(3) a timely, transparent, and predictable visa process, through appropriate guidelines for inter-agency review of visa applications; and

(4) a provision of the necessary resources to fund a visa processing system that meets the requirements of this Act.

(c) VISA PROCESSING.—

(1) IN GENERAL.—Not withstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers in order to—

(A) give consulates appropriate discretion to grant waivers of personal appearance for foreign students, scholars, scientists and exchange visitors in order to minimize delays for legitimate travelers while permitting more thorough interviews of visa applicants in appropriate cases;

(B) establish a presumption of visa approval for frequent visitors who have previously been granted visas for the same purpose and who have no status violations and for people previously approved for visas who had to depart the United States for family emergencies; and

(C) give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, to view as ''recreational in nature'' courses of a duration no more than 1 semester or its equivalent, and not awarding certification, license or degree, for purposes of determining appropriateness to visitor status.

(2) TIMELINESS STANDARDS.—Not later than 60 days after the date of enactment of this Act, the President shall publish final regulations for inter-agency review of visa applications requiring security clearances which establish the following standards for timeliness for international student, scholar, scientist, and exchange visitor visas that—

(A) establish a 15-day standard for responses to the Department of State by other agencies involved in the clearance process;

(B) establish a 30-day standard for completing the entire inter-agency review and advising the consulate of the result of the review;

(C) provide for expedited processing of any visa application with respect to which a review is not completed within 30 days, and for advising the consulate of the delay and the estimated processing time remaining; and

(D) establish a special review process to resolve any cases whose resolution is still pending after 60 days.

(d) STANDARDS FOR VISA EVALUATIONS.—

(1) IN GENERAL.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended—

(A) by striking ''having a residence in a foreign country which he has no intention of abandoning'' and inserting ''having the intention, capability, and sufficient financial resources to complete a course of study in the United States''; and

(B) by striking ''and solely'' after ''temporarily''.

(2) PRESUMPTION OF STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or'' and inserting ''subparagraph (F), (J), (L), or''.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall report to appropriate congressional committees on—

(1) the feasibility of expediting visa processing for participants in official exchange programs, and for students, scholars, scientists and exchange visitors through prescreening of applicants by the government or a university in the country in which the individual resides, a Department of State educational advising center located in a foreign country, or other appropriate entity;

(2) the feasibility of developing the capability to collect biometric data without requiring an applicant for a visa to appear in person at a United States mission in a foreign country; and

(3) the implementation of the guidance described in subsection (b), including the training of consular officers, and the effect of such guidance and training on visa processing volume and timeliness.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out to carry out this Act, including for the consular affairs and educational and cultural exchange functions of the Department of State, the visa application review and SEVIS database management function of the Department of Homeland Security, for the Departments of Education, Commerce, and State to develop an implement a marketing plan to attract international students, scholars, scientists, and exchange visitors, and for database improvements in the Federal Bureau of Investigations as specified in section 7.

Mr. BINGAMAN. Mr. President, I rise today, along with Senator COLEMAN, to introduce the American Competitiveness Through International Openness Now (''ACTION'') Act of 2005.

A few days ago, I came to the Senate floor to discuss the importance of the United States taking steps to ensure that we remain the world leader in terms of scientific research and innovation. There is a global competition underway for dominance in science and technology, and I remain concerned that the federal resources we are allocating for research and development are completely insufficient. At a time when other countries are investing more in R & D, we are cutting back Federal support of key science programs. Our Nation's economic competitiveness depends on reversing this trend.

We must also do all we can to continue to develop a highly skilled domestic workforce. It is paramount that we improve math and science education in our school systems, and spend more on graduate education in science and engineering. Maintaining the world's best education system is essential for ensuring Americans well-paying jobs and critical for our economic and national security.

Another area that we must also address in order to ensure U.S. competitiveness in the world economy is visa processing for scientists, engineers, and students wishing to come to the United States. Red tape and delays, although improving, still plague our overseas embassies and threaten our long-term economic security.

The ACTION Act of 2005 would address this important issue.

A country's immigration system helps determines its relationship to the global marketplace. The system can either be conducive to the free flow of ideas, scientists, and international business ventures, or it can provide disincentives to the flow of international talent and scientific collaboration.

Since September 11, the United States has adopted a number of visa policies aimed at making the United States and the traveling public more secure. Unfortunately, those policies have also had a significant impact on scientific collaboration with other countries and have made it problematic for exchange students to come to the United States with the ease they once enjoyed. While the United States has an obligation to thoroughly vet visa applicants, we need to find ways to do so that keep us engaged with the rest of the world and keep our efforts

focused on those that seek to do us harm.

Our international economic competitors are taking proactive steps to encourage highly talented students and graduates to come to their countries and study in their universities. In contrast, the attitude that the United States seems to be projecting to highly talented foreign scientists and students is one of complacency. This not only damages our image abroad, but also hampers research in the nation's laboratories and universities.

Recent studies from the National Science Foundation and the Council of Graduate Schools, as well as State Department statistics, have documented a sharp decline in the foreign students seeking advanced scientific and technical degrees in graduate schools across the United States. The National Science Foundation has found that the combination of an overly restrictive U.S. policy towards issuing visas, the growing perception that the United States is hostile to foreigners, and the increase in opportunities overseas has significantly challenged our ability to attract the best and brightest from around the world to come to the U.S. to study and engage in open scientific exchange.

The 2003–2004 academic year marked the first absolute decline in foreign student enrollments since the early 1970's. And in the fall of 2004, international student applications to graduate schools dropped 28 percent from the same time in 2003.

In contrast, other countries have instituted aggressive strategies for attracting students, scholars, and scientists and have sought to encourage access to universities and promote scientific collaboration. One such example is Australia, which has increased international student enrollment 53 percent since 2001. The European Union has also set forth a comprehensive strategy to be the ''most competitive and dynamic knowledge-based economy in the world'' by 2010. A key part of this strategy is aimed at making the E.U. the most favorable destination for students, scholars, and researchers from around the world.

Our university system is the envy of the world, and where we have a longstanding record of producing the best trained and most innovative scientists and engineers, and we must not concede our leadership in this area.

It is also important to note that international students play an important economic role—the Institute of International Education recently determined that through tuition and living expenses, foreign students contribute roughly $13 billion to the U.S. economy.

In particular, the ACTION Act of 2005 would help keep international students and scientist coming to the United States to participate in essential research and exchange programs by: improving visa processing in a manner consistent with national security; requiring the President to develop a strategic plan to enhance the recruitment and access of students, scholars, and scientist coming to the United States; reforming the SEVIS system, which tracks students, to allow approved schools to make corrections to a student's record to correct database errors; and by facilitating that the FBI and the State Department develop interoperable data systems.

Openness to international students and scientist is an important aspect of maintaining American competitiveness in the world economy, and I ask my fellow colleagues to join me in supporting this essential bill.

By Mr. SMITH (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. ROCKEFELLER, and Ms. COLLINS):

S. 456. A bill to amend part A of title IV of the Social Security Act to permit a State to receive credit towards the work requirements under the temporary assistance for needy families program for recipients who are determined by appropriate agencies working in coordination to have a disability and to be in need of specialized activities; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Pathways to Independence Act of 2005, along with Senators JEFFORDS, CHAFEE, ROCKEFELLER, and COLLINS. This bill includes two important provisions that we will work to include in TANF reauthorization. These provisions will help States work with TANF recipients who have disabilities to transition them into work.

In July 2002, the General Accounting Office reported that as many as 44 percent of TANF families have a parent or child with a physical or mental impairment. This is almost three times as high as among the non-TANF population in the United States. In eight percent of TANF families, there is both a parent and a child with a disability; among non-TANF families, this figure is one percent. The GAO's work confirmed the findings of earlier studies, including work by the Urban Institute and the HHS Inspector General.

These figures mean that we need to make sure that TANF reauthorization legislation gives States the ability and incentives to help families meet their current needs, while also helping them to move from welfare to work. This is the lesson that Oregon and many other States have already learned as they developed and refined their TANF programs.

The first provision of my bill provides a pragmatic approach to helping parents with disabilities and substance abuse problems receive the treatment and other rehabilitative services they will need to succeed in a work setting. It is designed so that, over time, States can gradually increase the work activity requirements, while continuing to provide clients with rehabilitative services. Under this proposal, much like in other proposals under consideration, a person participating in rehabilitation can be counted as engaged in work activity for three months. After the first three months, if a person continues to need rehabilitative services, the State can continue to count participation in those activities for another three months, so long as that person is engaged in some number of work hours, to be determined by the State.

The next step of my proposal builds on the concept of partial credit that is being considered in the Senate Finance Committee. If, after six months, a State determines that a person has a continuing need for rehabilitative services, the State may create a package that combines work activity with these services. The State will receive credit for the individual's efforts so long as at least one-half of the hours in which the individual participates are in core work activities. For example, if a State receives full credit for a person who works 30 hours per week, and the State has determined that an individual needs rehabilitative services beyond six months, that individual would need to be engaged in core work activities for at least 15 hours per week to get full credit, with the remaining 15 hours spent in rehabilitative services. Similarly, if partial credit is available for a person who works 24 hours per week, then a State could receive that same partial credit if the person was engaged in core work activities for at least 12 hours per week, with the remaining 12 hours spent in rehabilitative services.

This approach is appealing for many reasons. First, it allows states to design a system in which a person can move progressively over time from rehabilitation toward work. Second, it gives states credit for the time and effort they will need to invest to help people move successfully from welfare to work by allowing States to use a range of strategies to help these families. Third, it creates a more realistic structure for individuals with disabilities and addictions who may otherwise fall out of the system either through sanction or discouragement, despite their need for financial support. Finally, this approach is appealing because it is designed to work within the structure of the final TANF reauthorization bill.

I look forward to working with my co-sponsors, Senators JEFFORDS, CHAFEE, ROCKEFELLER, and COLLINS, and with the Chairman of the Finance Committee on these important provisions in the upcoming months, and I urge my colleagues to join us in support of this legislation.

I also wish to thank all of the organizations that have expressed support for this bill. I have received support letters from those organizations, and I ask unanimous consent that those letters be printed in the RECORD

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
February 17, 2005.

Hon. GORDON SMITH,
Senate,
Washington, DC.
Hon. SUSAN M. COLLINS,
Senate,
Washington, DC.
Hon. JOHN D. ROCKEFELLER IV,
Senate.
Washington, DC.
Hon. JAMES M. JEFFORDS,
Senate,
Washington, DC.
Hon. LINCOLN D. CHAFEE,
Senate,
Washington, DC.

DEAR SENATORS SMITH, JEFFORDS, COLLINS, CHAFEE, AND ROCKEFELLER: We are writing to thank you for introducing legislation that addresses a key problem facing TANF families with a parent with a disability. We believe that this provision, if included in the larger TANF reauthorization bill, will significantly improve the ability of states to help families successfully move from welfare toward work while also ensuring that the needs of family members with disabilities are met. We enthusiastically support this legislation.

Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, DC. We work together to advocate for national public policy that ensures the self determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force seeks to ensure that families that include persons with disabilities are afforded equal opportunities and appropriate accommodations under the Temporary Assistance for Needy Families (TANF) block grant.

The research is clear that many TANF families include a parent or a child with a disability, and in some families, there is both a child and a parent with a disability. The numbers are high—GAO has found that as many as 44 percent of TANF families have a child or a parent with a disability—and need to be addressed in the policy choices that Congress makes in TANF reauthorization. We believe that, by designing policies that take into account the needs of families with a member with a disability, Congress can help the states move greater numbers of these families off of welfare and toward greater independence. Without reasonable supports, however, and through no fault of their own, these families sometimes fail at work activity and are often subject to inappropriate sanctioning and the crises that flow from abrupt—and often prolonged—loss of income.

Your bill would provide low-income families with members with disabilities real opportunities to achieve self-sufficiency. Under current law, states have the flexibility—either through a waiver such as Oregon has or as a result of the caseload reduction credit—to ensure that a parent with a disability, including a substance abuse problem, receives the rehabilitative services she needs in order to move towards work. In recent years, increasing numbers of states have used this flexibility as they realized that some parents would need more specialized help if they were going to successfully leave TANF. Some of the current reauthorization proposals, however, limit states to counting three or six months of rehabilitative services as work activity. Such short limits on rehabilitative services would be inadequate to help many families with members with disabilities find and sustain employment, and, in light of proposed increases in state participation rates, would discourage states from designing programs and requirements that work for people with the most severe barriers.

Your bill will allow states to count rehabilitative services as work activity beyond six months as long as the state TANF agency works collaboratively with other public or private agencies in determining disability and the services that will be provided and the rehabilitative services are mixed with significant work activity. We believe this mix of work activities and supports will help an individual with severe barriers move toward greater independence. The provision would allow states to count individuals participating in rehabilitative services after six months as long as at least one-half of the hours in which the individual participates are in core work activities. This will allow states to create a progression of work activity hours combined with rehabilitative services over time that will assist in moving the family from welfare to work at a pace that is designed to lead to success for that family.

CCD is not asking Congress to exempt individuals with disabilities from participation in the TANF program. On the contrary, we are looking for the essential assistance and supports that will help families move off of welfare toward greater independence. Your bill does not create any exemptions from participation requirements, and in fact, provides the necessary assistance and supports that can come with participation in the TANF program. Under the bill, states would have to engage the same number of recipients in welfare-to-work activities as under the standard set in a new reauthorization law. The provision simply allows states to utilize a broader range of activities to help recipients with barriers move to work. In short, this is a way to make the TANF program work for parents with disabilities and substance abuse problems. The provision would give states credit when recipients with barriers are engaged in activities and, thus, will encourage states to assist families with barriers to progress toward work in a manner and at a pace that is more tailored to their needs and disabilities.

Thank you again for introducing this legislation and your leadership on this very important issue. We look forward to working with you and your staffs to ensure that this provision becomes law.

Sincerely,

American Music Therapy Association
American Network of Community Options and Resources
APSE: The Network on Employment
Association of University Centers on Disability
Bazelon Center for Mental Health Law
Brain Injury Association of America
Center on Budget and Policy Priorities
Council for Exceptional Children
Council of State Administrators of Vocational Rehabilitation
County Welfare Directors Association of California
Easter Seals
Epilepsy Foundation
Goodwill Industries International
National Association of Protection and Advocacy Systems
National Association of Research and Training Centers
National Association of Social Workers
National Association of State Mental Health Program Directors
National Association of State Head Injury Administrators
National Law Center on Homelessness and Poverty
National Mental Health Association
National Rehabilitation Association
National Respite Coalition
NISH
Paralyzed Veterans of America
The Arc of the United States
United Cerebral Palsy

FEBRUARY 17, 2005.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.
Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.
Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.
Hon. LINCOLN D. CHAFEE,
U.S. Senate Washington, DC.

DEAR SENATORS SMITH, JEFFORDS, ROCKEFELLER, COLLINS, AND CHAFEE: Thank you for introducing the ''Pathways to Independence Act of 2005.'' The provision included in this bill, if included in the TANF reauthorization legislation, will improve the ability of states to help TANF recipients with disabilities, including substance abuse problems, to move towards work and greater independence.

Your bill improves on provisions in the Personal Responsibility and Individual Development for Everyone (PRIDE) Act, which passed the Senate Finance Committee in the last Congress and has now been introduced as part of S. 6. The current Senate version of the PRIDE Act allows states to count rehabilitative services towards the work participation rate for up to six months, as long as some core work activity is combined with the rehabilitative services in the second three-month period. The Smith-Jeffords bill builds on this and would allow states to count participation in rehabilitative activities beyond six months, so long as the individual participates in at least one-half the required core work activity hours. The bill also would encourage states to work collaboratively with other agencies that have expertise in identifying disabilities and developing appropriate service plans to address those disabilities.

The encouragement of collaboration is a critical component of the bill. It is our experience that many states have used the flexibility of current law to begin developing such collaborative approaches to working with families who face multiple barriers to employment and independence. However, we are concerned that the increased participation rate requirement contemplated in TANF reauthorization proposals will discourage states from continuing such collaborative approaches to helping families progress on the pathway to independence. Unless states are provided more flexibility in determining what activities count towards the participation rate, we fear states that are already providing critical services will no longer be able to provide them.

For example, last year, the Vermont Vocational Rehabilitation Agency, working in conjunction with the state's TANF agency, reported that it had recently assisted 109 recipients with disabilities in achieving successful employment (defined as stable employment for 90 days). Only 14 of the 109 TANF recipients with disabilities (or 12.8 percent) achieved stable employment in six months or less. Without flexibility to go beyond six months in providing rehabilitative services to people with disabilities, as provided by the Smith-Jeffords bill, Vermont would have risked penalties by offering rehabilitative services beyond six months and 95

of the 109 TANF recipients with disabilities would have been unlikely to receive the services they needed to become successfully employed.

Similarly, drug and alcohol treatment programs that serve women with children, including women receiving TANF assistance, generally require more than six months of services. Indeed, 54 percent of these family-based treatment programs extend beyond six months and demonstrate successful outcomes of upwards of 60 percent of parents achieving lasting sobriety and family stabilization. Family-based treatment programs combine job training, parenting classes, education, and life skills training in their substance abuse treatment plans. These programs also include employment as an essential aspect of the treatment plan, when a particular individual is ready to engage in work. Allowing individuals time to complete treatment is critical. An Oregon study showed that those who completed drug treatment received wages 65 percent higher than those who did not. Nationally, SAMHSA research demonstrates that the longer parents stay in substance abuse treatment programs the more likely they are to succeed: of parents who stayed in treatment for more than six months, 71 percent achieved sustained recovery after completing treatment as well as six months post-discharge.

The goal should be to help parents with disabilities, including substance abuse problems, obtain whatever help they need—for however long they need, as determined by the state and local agencies working together—to help them successfully move from welfare to work. Allowing states to receive credit for only a limited number of months of rehabilitative services will mean that some parents do not get the intensive help they need to succeed.

We are also quite concerned that many of the families who are unable to obtain the services they need will end up in the child welfare system. It is the most disadvantaged families, those with barriers such as mental or physical disabilities or problems with substance abuse, who are at greatest risk of making the transition into the child welfare system.

Thus, neither families nor states can afford an inflexible and ineffective approach to addressing barriers in the TANF program. States must be permitted to count participation in activities that help parents with disabilities successfully participate in the workplace and care for their children, for as long as those activities are needed to help the family progress towards greater independence. We believe that your bill provides this needed flexibility and will encourage state agencies to work collaboratively in assisting these families. Thank you again for introducing this legislation.

Sincerely,

Alliance for Children and Families
American Academy of Child and Adolescent Psychiatry
American Association of People with Disabilities
American Association on Health and Disability
American Counseling Association
American Dance Therapy Association
American Federation of Teachers
American Humane Association
American Music Therapy Association
American Network of Community Options and Resources
APSE: The Network on Employment
American Professional Society on the Abuse of Children
American Psychological Association
Association of University Centers on Disability
Bazelon Center for Mental Health Law
Black Administrators in Child Welfare Inc.
Brain Injury Association of America
Center for Law and Social Policy
Center on Budget and Policy Priorities
Child Welfare League of America
Children Awaiting Parents
Children's Defense Fund
Children's Healthcare Is a Legal Duty
Coalition on Human Needs
Community Anti-Drug Coalitions of America
Council for Exceptional Children
Council of Learning Disabilities
Council of State Administrators of Vocational Rehabilitation
Easter Seals
Epilepsy Foundation
Episcopal Community Services
Goodwill Industries International
Helen Keller National Center
Legal Action Center
Legal Momentum
Lutheran Services in America
National Alliance of Children's Trust and Prevention Funds
National Alliance to End Homelessness
National Association of Protection and Advocacy Systems
National Association of Research and Training Centers
National Association of School Psychologists
National Association of Social Workers
National Association of State Mental Health Program Directors
National Association of State Head Injury Administrators
National Association for Children of Alcoholics
National Association for Children's Behavioral Health
National Child Abuse Coalition
National Coalition on Deaf-Blindness
National Council of La Raza
National Council on Alcoholism & Drug Dependence
National Education Association
National Indian Child Welfare Association
National Law center on Homelessness and Poverty
National Mental Health Association
National Rehabilitation Association
National Respite Coalition
NISH
Paralyzed Veterans of America
Protestants for the Common Good
Research Institute for Independent Living
School Social Work Association of America
The Arc of the United States
Therapeutic Communities of America
United Cerebral Palsy
Union for Reform Judaism
Voices for America's Children
Women of Reform Judaism
YWCA USA

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pathways to Independence Act of 2005''.

SEC. 2. STATE OPTION TO RECEIVE CREDIT FOR RECIPIENTS WHO ARE DETERMINED BY APPROPRIATE AGENCIES WORKING IN COORDINATION TO HAVE A DISABILITY AND TO BE IN NEED OF SPECIALIZED ACTIVITIES.

(a) IN GENERAL.—Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) STATE OPTION TO RECEIVE CREDIT FOR RECIPIENTS WHO ARE DETERMINED BY APPROPRIATE AGENCIES WORKING IN COORDINATION TO HAVE A DISABILITY AND TO BE IN NEED OF SPECIALIZED ACTIVITIES.—

''(i) INITIAL 3-MONTH PERIOD.—At the option of the State, if the State agency responsible for administering the State program funded under this part determines that an individual described in clause (iv) is not able to meet the State's full work requirements, but is engaged in activities prescribed by the State, the State may deem the individual as being engaged in work for purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b) for not more than 3 months in any 24-month period.

''(ii) ADDITIONAL 3-MONTH PERIOD.—A State may extend the 3-month period under clause (i) for an additional 3 months only if, during such additional 3-month period, the individual engages in rehabilitative services prescribed by the State and a work activity described in subsection (d) for such number of hours per month as the State determines appropriate.

''(iii) RULES FOR CREDIT IN SUCCEEDING MONTHS.—

''(I) IN GENERAL.— If the State agency responsible for administering the State program funded under this part works in collaboration or has a referral relationship with other governmental or private agencies with expertise in disability determinations or appropriate services plans for adults with disabilities (including agencies that receive funds under this part) and one of these entities determines that an individual treated as being engaged in work under clauses (i) and (ii) continues to be unable to meet the State's full work requirements because of the individual's disability and continuing need for rehabilitative services after the conclusion of the periods applicable under such clauses, then for purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b), the State may receive credit in accordance with subclause (II) for certain activities undertaken with respect to the individual.

''(II) CREDIT FOR ACTIVITIES UNDERTAKEN THROUGH COLLABORATIVE AGENCY PROCESS.— Subject to subclause (III), if the State undertakes to provide services for an individual to which subclause (I) applies through a collaborative process that includes governmental or private agencies with expertise in disability determinations or appropriate services for adults with disabilities, the State shall be credited for purposes of the monthly participation rates determined under paragraphs (1)(B)(i) and (2)(B) of subsection (b) with the lesser of—

''(aa) the sum of the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month and the number of hours that the individual participates in rehabilitation services under this clause for the month; or

''(bb) twice the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month.

''(III) LIMITATION.—A State shall not receive credit under this clause towards the monthly participation rates under paragraphs (1)(B)(i) and (2)(B) of subsection (b) unless the State reviews the disability determination of an individual to which subclause (I) applies and the activities in which the individual is participating not less than every 6 months.

''(iv) INDIVIDUAL DESCRIBED.—For purposes of this subparagraph, an individual described in this clause is an individual who the State has determined has a disability, including a substance abuse problem, and would benefit from participating in rehabilitative services while combining such participation with other work activities.

''(v) DEFINITION OF DISABILITY.—In this subparagraph, the term 'disability' means a

physical or mental impairment, including substance abuse, that—

''(I) constitutes or results in a substantial impediment to employment; or

''(II) substantially limits 1 or more major life activities.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2005.

Mr. JEFFORDS. Mr. President, it is a pleasure for me to introduce today, along with my colleagues Senators SMITH, COLLINS, CHAFEE, and ROCKEFELLER, the ''Pathways to Independence Act of 2005.'' This legislation is the product of a bipartisan effort to ensure that those individuals in our welfare system who face the toughest barriers to work, such as individuals with disabilities or substance abuse problems, are provided the best opportunity for future success and productivity. This legislation gives states the tools and incentives necessary to assist them in moving individuals from welfare to work.

The current welfare system has been widely regarded as a success in moving individuals off the welfare rolls, and states have been given incentives to do so. While this approach has been regarded as successful, it has one major flaw. Although the states are provided incentives for removing people from the welfare rolls, no incentives exist for placing individuals into sustainable employment. States receive the same credit for moving a welfare recipient into a high paying job as they do for sanctioning that person outright. This perverse incentive has been particularly difficult for the many welfare recipients who have disabilities or struggle with substance abuse problems. In many states it is easier to write these people off than to give them the support necessary to become truly independent.

In Vermont, approximately 15 percent of the welfare caseload has been diagnosed with a disability and receive services through the Vermont Department of Vocational Rehabilitation. Vermont's effort to provide these services enables welfare recipients to, move from welfare to work. However, these services are not included in the core work activities allowed under the current welfare law. Vermont receives no credit or incentive for moving these individuals to independence. This policy is wrong. If we truly want welfare to be an initiative that helps people to become independent and self-sufficient, then our policies must reflect our intentions. That is where ''The Pathways to Independence Act of 2005'' comes into play.

The ''Pathways to Independence Act of 2005'' would allow states to count certain rehabilitation services for individuals with disabilities and treatment for substance abuse toward work activities. Here's how it works: the legislation would give states the ability to count a welfare recipient who is engaged in work, or work preparation activities, to participate in a drug treatment program for three months. At the end of this 3-month period, the state would be given the opportunity to reevaluate the status of the individual and decide whether to continue treatment for an additional 3 months. This is the same process that is envisioned in the ''Personal Responsibility and Individual Development for Everyone (PRIDE) Act'' that the Finance Committee is planning to consider this spring. The PRIDE approach would then require an individual with a severe barrier to meet the same standard as a non-disabled individual. However, the ''Pathways to Independence Act'' would allow the state to continue treatment for the individual, provided that the individual is meeting at least half of the regular work requirements and following their treatment program for the remaining hours.

This is a common sense proposal. It is consistent with the research on providing effective support programs for people with disabilities and effective treatment programs for people struggling with substance abuse leading to sustainable employment. By allowing states to count these individuals in the ''working'' category, we provide the states with the necessary incentives to engage those most difficult to serve in meaningful ways that will help them to work. It will allow the states to place people with disabilities and substance abuse problems on a pathway to independence.

The ''Pathways to Independence Act of 2005'' would supply the states with the tools and incentives necessary to provide welfare recipients with the greatest chance for independence and self-sufficiency. If we truly want to take the necessary steps towards achieving this goal and improving upon our current welfare system, this legislation must be part of any welfare reform reauthorization that is enacted.

I would like to thank the members of the Consortium for Citizens with Disabilities for their help in developing this legislation and their strong letter in support of this initiative. I especially want to thank my colleague from Oregon, Senator SMITH, for his commitment to this legislation and all of our cosponsors in this endeavor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 58—COMMENDING THE HONORABLE HOWARD HENRY BAKER, JR., FORMERLY A SENATOR OF TENNESSEE, FOR A LIFETIME OF DISTINGUISHED SERVICE

Mr. FRIST (for himself, Mr. BYRD, Mr. REID, Mr. ALEXANDER, Mr. COCHRAN, Mr. STEVENS, Mr. DOMENICI, Mr. HATCH, Mr. WARNER, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 58

Whereas Howard Henry Baker, Jr., son of Howard Henry Baker and Dora Ladd Baker, was heir to a distinguished political tradition, his father serving as a Member of Congress from 1951 until his death in 1964, his stepmother Irene Baker succeeding Howard Baker, Sr. in the House of Representatives, and his grandmother Lillie Ladd Mauser having served as Sheriff of Roane County, Tennessee;

Whereas Howard Baker, Jr. served with distinction as an officer in the United States Navy in the closing months of World War II;

Whereas Howard Baker, Jr. earned a law degree from the University of Tennessee Law School in Knoxville where, during his final year (1948–1949), he served as student body president;

Whereas after graduation from law school Howard Baker, Jr. joined the law firm founded by his grandfather in Huntsville, Tennessee, where he won distinction as a trial and corporate attorney, as a businessman, and as an active member of his community;

Whereas during his father's first term in Congress, Howard Baker, Jr. met and married Joy Dirksen, daughter of Everett McKinley Dirksen, a Senator of Illinois, in December 1951, which marriage produced a son, Darek, in 1953, and a daughter, Cynthia, in 1956;

Whereas Howard Baker, Jr. was elected to the Senate in 1966, becoming the first popularly elected Republican Senator in the history of the State of Tennessee;

Whereas during three terms in the Senate, Howard Baker, Jr. played a key role in a range of legislative initiatives, from fair housing to equal voting rights, the Clean Air and Clean Water Acts, revenue sharing, the Senate investigation of the Watergate scandal, the ratification of the Panama Canal treaties, the enactment of the economic policies of President Ronald Reagan, national energy policy, televising the Senate, and more;

Whereas Howard Baker, Jr. served as both Republican Leader of the Senate (1977–1981) and Majority Leader of the Senate (1981–1985);

Whereas Howard Baker, Jr. was a candidate for the Presidency in 1980;

Whereas Howard Baker, Jr. served as White House Chief of Staff during the Presidency of Ronald Reagan;

Whereas Howard Baker, Jr. served as a member of the President's Foreign Intelligence Advisory Board during the Presidencies of Ronald Reagan and George H.W. Bush;

Whereas following the death of Joy Dirksen Baker, Howard Baker, Jr. married Nancy Landon Kassebaum, a former Senator of Kansas;

Whereas Howard Baker, Jr. served with distinction as Ambassador of the United States to Japan during the Presidency of George W. Bush and during the 150th anniversary of the establishment of diplomatic relations between the United States and Japan;

Whereas Howard Baker, Jr. was awarded the Medal of Freedom, the Nation's highest civilian award; and

Whereas Howard Baker, Jr. set a standard of civility, courage, constructive compromise, good will, and wisdom that serves as an example for all who follow him in public service: Now, therefore, be it

Resolved, That the Senate commends its former colleague, the Honorable Howard Henry Baker, Jr., for a lifetime of distinguished service to the country and confers upon him the thanks of a grateful Nation.